



# Creating 'the Self' by Outlawing 'the Other'? EU Foreign Policy Sanctions and the Quest for Credibility

Elin Hellquist

Thesis submitted for assessment with a view to  
obtaining the degree of Doctor of Political and Social Sciences  
of the European University Institute

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European University Institute  
**Department of Political and Social Sciences**

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## ABSTRACT

The European Union (EU) turns increasingly to negative sanctions – a classical tool of international relations and the sharpest expression of the EU's common foreign and security policy (CFSP) – in response to a variety of norm violations in world politics. This thesis investigates how the EU positions itself and receives a position on the world scene by using sanctions. Regardless of whether sanctions successfully induce target change or not, they signal distance to some actors and proximity to others. In recognition of sanctions' deeply relational character beyond the sender-target polarity, the thesis juxtaposes the EU's self-understandings with the perceptions of a significant bystander: the African Union (AU).

The thesis exposes patterns of disagreement and consensus as concerns logics of action, autonomy and volume of the sanctions policy, as well as policy linkages between sanctions and other external actions. It combines qualitative and quantitative analysis of European Parliament debates on sanctions between 1999 and 2012 with scrutiny of official documents and semi-structured interviews at the AU headquarters in Addis Ababa.

The analysis reveals that self-oriented justifications dominate EU discourse on sanctions. Policymakers are concerned with how to successfully inflict harm on the targets, but mechanisms for making targets change are discussed only exceptionally. Instead, proponents and critics reason about sanctions in terms of the good or bad they do to the EU as a sender, and in particular to the Union's credibility as an international actor. This thesis disputes the artificial separation between material and symbolic types of sanctions, to instead demonstrate the need to distinguish between primarily self-oriented and primarily target-oriented sanctions.

While the AU draws on the European experience in institution building and has high esteem of the EU's resource capacity, it favours ideational autonomy in its own sanctions doctrine against unconstitutional changes of government. AU perceptions show that the EU has a credibility deficit as an external sender of sanctions. Deep-rooted historical impressions of Europe subsist and are strongly associated with the former colonial powers. The EU's use of sanctions seems to add to these impressions rather than to challenge them.

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# 1. TWO BIRDS – ONE STONE

The Members of the European Union (EU) – a group of countries with strong national identities and a violent history – have voluntarily chosen to engage in political and economic integration that increasingly reaches beyond the borders of Europe. *Prima facie*, the coordination and cooperation of external relations at the European level clashes with standard assumptions that foreign and security policy is the last haven for state sovereignty, as well as with the expectation that national interests over-rule European or global ones (Smith K. E., 2003, p. 614; Ginsberg, 2010, p. 246 ff.; Krotz & Maher, 2011, p. 552). Yet, the external action of the Union is a true work in progress, continuously undergoing both substantial and institutional change and facing obstacles both from within and from outside actors. In virtue of this it provides an experimental setting where interests, values, and habits of Member States collide or merge into something new. As the largest scale example of intense cooperation between nation states that the world has seen thus far, the EU's attempt to coordinate external action through a Common Foreign and Security Policy (CFSP) offers an unusual opportunity to study how an international actor is constructed 'from scratch'.<sup>1</sup>

This thesis draws attention to the European Union's use of CFSP sanctions – in EU lingo restrictive measure<sup>2</sup> – against third countries<sup>3</sup>, individuals or entities accused of certain norm breaches.<sup>4</sup> Due to their unique position between words and wars (Wallenstein & Staibano, 2005), sanctions are excellent indicators of how the EU sees

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<sup>1</sup> As pointed out by Krotz and Maher (2011, p. 554), varying degrees of foreign policy cooperation have existed in Europe throughout history. However, they note that the present day cooperation is unprecedented in *scope*, *intensity* and *complexity*. Hence, "European foreign and security policy cooperation seems to be a qualitatively new form of resilient and evolving cooperation between states in these areas" (Krotz & Maher, 2011, p. 572).

<sup>2</sup> The terms sanctions and restrictive measures are used interchangeably in EU documentation. The Treaty wording is 'restrictive measures' (European Union, 2010b, Article 215 TFEU) but in this text I will stick to sanctions since it is the more conventional term also outside of the EU context.

<sup>3</sup> Non-member states are consistently referred to as 'third countries' in the Treaties and other EU external relations documentation. The term draws its meaning from the domain of contractual relations; where a third country is one that is not party to an agreement (see Eurofound, 2007). As we will see later, this distinction is of importance for understanding the difference between foreign policy sanctions and other types of negative conditionality.

<sup>4</sup> The European External Action Service (2012) mentions the following norm breaches that are subject to sanctions: "violations of international law or human rights, or policies that do not respect the rule of law or democratic principles". As this thesis will show, these broad terms provide ample space for the political interpretation of situations that would justify the adoption of sanctions.

itself and is perceived by others. In the absence of an EU armed force, negative sanctions represent the most severe policy option available to common external action.<sup>5</sup> However, the bulk of research states that the Union is predisposed toward the use of positive measures in its external action (Portela, 2010; Smith K. E., 2003, pp. 23, 198; de Vries & Hazelnet, 2005; Wagner W. , 2010). The EU's increasing use of negative sanctions is therefore a particularly paradoxical expression of the EU's external policy (Giumelli, 2011a; Jones, 2007).

The following chapters offer a comprehensive empirical study of what the sanctions policy represents for the EU as an international actor. The thesis demonstrates the EU's multifaceted and contradictory character as a sender of sanctions, and maps out how the use of sanctions is understood to impact on the EU's ability to use other foreign policy tools. Hence, the research question is formulated as follows:

*How does the use of sanctions shape the EU as an international actor?*

Taking on this question, the thesis enters the long-standing debates on what kind of international actor the EU is and what kind of foreign policy tools sanctions are. In this chapter, I present these debates and specify how this study treats their basic claims.

The chapter is divided into three sections. The first section introduces EU foreign policy as a 'laboratory' for questions of external identity. I start with the basic issue of whether it is reasonable to speak of Europe as an international actor in the first place. Thereafter, I discuss how the literature's focus on what to *call* the EU has displaced antecedent questions of its internal complexities. I move on to reflect on the remarkable proximity between students of the EU and the study object itself. Furthermore, I explain why the study at hand necessitates an inclusive understanding of discourse that moves beyond the official documents explicitly aimed at identity formation. Rather than deriving a 'norm-based' identity from declarations in Treaties and Strategies, I advocate a process of open-minded scrutiny of patterns of conflict and consensus in the multi-layered, multifaceted EU-discourse. A comment on the exclusion of other actors' perceptions from the mainstream account of EU external identity

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<sup>5</sup> While the EU has carried out 25 military and civilian operations within the Common Security and Defense Policy (CSDP) since 2002, a common European army is yet to be established. Even in light of increased activities, NATO remains the primary military power on the European continent. For recent volumes on the CSDP, see Ginsberg & Penksa, 2012; Kurowska & Breuer, 2012; Whitman & Wolff, 2012.



concludes the first section. For this thesis, including the outsider perspective is a natural acknowledgement of the fundamentally intersubjective nature of identity formation. In addition, it effectively helps to correct unwarranted normative presumptions of a Euro-centric field of study.

The second section presents the empirical basis of the thesis: EU foreign policy sanctions. Not only have sanctions largely been overlooked in accounts of the EU as an international actor, the EU has been given only sporadic attention in the state-centric sanctions literature. In this section, I introduce the classical sanctions paradox and explain the reasons for which the inherent symbolism of sanctions makes them pertinent indicators of external identity formation. Finally, I discuss how 'targeted' sanctions were invented and reflect on the strong policy-advice paradigm of the field.

The third and final section of this chapter deals with the social construction of sanctions as foreign policy tools. This section describes how dominant theoretical and legal definitions offer weak objective grounds for distinguishing sanctions from other expressions of negative conditionality. Instead, a sanction becomes a sanction through the sender's conscious labelling and the acceptance of this labelling of a given measure as such by other actors.

Thus, irrespective of whether actors successfully manage to induce target change, through this act of labelling and the resulting institutionalisation of measures as sanctions, they effectively establish their limits of toleration in world politics.

## The Laboratory of EU Foreign Policy

'Europe' is not an actor in international affairs, and does not seem likely to become one; the Europe with which I am concerned is the actual one of state governments, in which a minor role is played, chiefly as instruments of cooperation among governments, by various committees, assemblies and secretariats bearing the designation "European", including those of the EC among others.

Bull, 1982, p. 151

Research on international actors was long confined to studying nation states (Barkin & Cronin, 1994; Ruggie, 1993).<sup>6</sup> In consequence, it was not evident how early European external co-operation was to fit into the dominant ontology of an international system entirely composed by state actors (White B. , 1999). Bull's straightforward conclusion juxtaposed early arguments about the EC's emerging international 'actorness' (Sjöstedt, 1977; Duchêne, 1973; Galtung, 1973; Taylor, 1982). In sum, research on European external relations was largely concerned with whether 'Europe' warranted being called an actor at all (Bull, 1982; Hill, 1993; Sjursen, 2006b, p. 235).

Even as cooperation was formalised in the Common Foreign and Security Policy (CFSP), the second pillar of the Maastricht Treaty, the repeated failure of the Member States to act cohesively as one entity – or to even take the same direction in foreign policy – furthered this scepticism. The CFSP was originally intended to be exercised alongside national foreign policies, but the increased insistence on the principle(s) for loyal co-operation should today constitute a form of real constraint on the external actions of Member States (article 23:4 TEU, Council of the European Union 2010a; Wessel, 2009, p. 130; see also Hillion & Wessel, 2008). Particularly, the foreign policies of small Member States are increasingly sub-instances of EU policy. That the CFSP has reoriented the foreign policies of Member States has also been empirically confirmed (Smith M. E., 2000; Ohrgaard, 2004, p. 33). In addition, the range of policy expressions available under the CFSP – towards which Member States are expected to show loyalty – has significantly increased over the years. While clearly not a full-fledged foreign policy of the calibre of those exercised by nation states, the CFSP can no longer be

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<sup>6</sup> In turn, early theories of European integration – whether Ernst Haas' neo-functionalism or Stanley Hoffman's intergovernmentalism – judged unlikely that integrative pressures would reach the domains of security and defence and remained detached from IR-theories (Krotz & Maher, 2011, p. 556).

considered a narrow form of cooperation in instances regarding only specific types of external in specific instances of external action.

While the relationship between the whole and the parts remains complicated for the EU, few would today question the existence of a foreign policy at the European level. Those that need further convincing can be confronted with an expanding collection of international agreements, common strategies and other policy documents that have all been brought about in the name of the Union. In spite of divergent national interests, and in spite of complicated processes that are sometimes hard to grasp even for insiders, foreign policy activities in the name of the Union are decided upon on a daily basis.<sup>7</sup>

It is also clear that there *is* an EU sanctions policy. Foreign policy sanctions have been coordinated at the European level since the early days of integration<sup>8</sup>, and the use of sanctions was formalised in 2004, with the publication of “Basic Principles on the Use of Restrictive Measures (Sanctions)” (Council of the European Union, 2004a). With this document as the starting point, the Union wanted to create a proper policy framework for its use of sanctions (Kreutz, 2005). The guidelines set out that “sanctions should be targeted”, and mentions “arms embargoes, visa bans and the freezing of funds” as possible measures (p. 3). The external action service’s website (European External Action Service, 2012) lists “arms embargoes, other specific or general trade restrictions (import and export bans), financial restrictions, restrictions on admission (visa or travel bans), or other measures, *as appropriate*” (emphasis added). Notably, neither specifies the full universe of measures available to use as sanctions (see the third section of this chapter).

That the EU has managed to create and maintain a sanctions policy at the European level also contrasts with the intergovernmentalist expectation for which: “No decisions, or Lowest Common Denominator (LCD) decisions, are the most likely outcomes of policy discussions” (Gegout, 2010, p. 5). According to this viewpoint, reaching consensus should be particularly difficult with regards to the adoption of

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<sup>7</sup> Whether or not the full range of external policies will survive the EU’s current existential crisis is another question; obviously closely linked to the future of the ‘European project’ at large.

<sup>8</sup> Autonomous sanctions started with the EC measures against Iran following the overtake of the US Embassy and hostage crisis in 1979, against the USSR in 1981/1982 over its involvement in the Polish crisis, which saw the birth of the Solidarity movement, and against Argentina in 1982 because of its invasion of the Falklands Islands (Doxey M. P., 1996, pp. 28-35), see also (Kuyper, 1993). Sanctions against Southern Rhodesia (1966-68) were the result of EC cooperation but imposed at the Member State level (Smith M. E., 2001, p. 90).

negative measures, which have the potential of incurring considerable costs for Member States as well as placing at risk their special friendships with third parties. Indeed, some proposed sanctions cases have been more or less permanently on the agenda without ever having been resolved or decided upon (i.e. Israel). Yet, even an enlarged EU-27 – which represents an expanding web of special relations and national interests – has managed to unanimously impose autonomous sanctions against a diverse group of targets.

The unity of the EU sanctions policy is, however, partly fallacious. Disunity is often ‘postponed’ to the implementation phase, as may be shown by difficulties to make Members equally and fully respect the sanctions regimes they themselves have agreed upon. Nonetheless, that there are problems with unity does not mean that a sanctions policy does not exist. These internal institutional battles do not cancel the sanctions policy – or other policies for that matter – but rather put their distinct flavour on it. It is therefore paradoxical that attempts to label the EU as an international actor have tended to assume unity rather than to explore this ongoing diversity.

### **Conceptual Creativity and the Evolution of EU Foreign Policy**

During the first decade of the 21<sup>st</sup> century, literature on the EU as an international actor was a battle over labels. It has been called a superpower (Galtung, 1973; McCormick, 2006), a *quiet* superpower (Moravcsik, 2009; 2010), a civilian (Duchêne, 1973; Orbie, 2006), soft (Tulmets, 2007), normative (Manners, 2002), narrative (Nicolaidis & Howse, 2002), small (Asle, 2008), tragic (Hyde-Price, 2008), ethical (Aggestam, 2008; Manners, 2008), humanitarian (Meyer, 2007) and even metrosexual (Parag, 2004) power<sup>9</sup>. The names in this non-exhaustive list reflect attempts to capture the EU’s specificity. Just as a newly discovered species would be given its unique name in the biological system, the observation that the EU is a different type of ‘beast’<sup>10</sup> in world affairs has stimulated a range of concepts aimed to capture its *sui generis* character.<sup>11</sup>

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<sup>9</sup> It should be mentioned that these labels are not mutually exclusive. Hence, Moravcsik (2009, 2010) argues that the recipe for Europe’s rise as a superpower is combining civilian power with ‘hard’ power (cf. Galtung, 1973).

<sup>10</sup> This metaphor is used by Risse-Kappen (1996) and Diez (1999). However, they are interested in how to conceptualise the European integration project as a whole. In contrast, my focus concerns specifically the EU’s external identity.

<sup>11</sup> Also this, however, is not *sui generis* to the EU, but rather a feature of area studies. For another example, see the metaphor that describes Japan as an ‘aikido state’ (Hook, Gilson, Hughes, & Dobson, 2001; Hagström, 2005).

The notion of civilian power Europe (CPE) (Duchêne, 1973; cf Bull, 1982) is “the most enduring characterization of the EU as a singular actor” (Bretherton & Vogler, 2006, p. 41). Articulated in the early days of European foreign policy co-operation, Duchêne made an argument about Europe’s comparative advantage as an economic power, and weakness in military capability.<sup>12</sup> Being “long on economic power” (1973, p. 19) was, according to Duchêne, the key for Europe to overcome “the age-old processes of war and indirect violence” (1972, p. 43), and to exert an influence as an international actor through civilian – mainly economic – means. Thus, civilian power perceived already the early European foreign policy cooperation to be “essentially sui generis, an unprecedented development in world history which must not be cramped by forcing it into inappropriate conceptual models derived from the study of states” (Hill, 1990, p. 54, in Ginsberg 1999, p. 445).<sup>13</sup> Bull (1982) finds that the civilian power concept captured well the spirit of (neo)progressiveness and (neo)idealism of the 1970s. His 1982 critique<sup>14</sup> was also a product of its time. Bull (1982, p. 150) writes: “[f]rom the perspective of ‘the return to power politics’ of the 1980s it is easier than it was for many at the time to see how weak the foundations are upon which some of these views were constructed”.

In spite of numerous contributions, civilian power “remain[ed] chronically underdeveloped as a concept” (Diez & Whitman, 2002, p. 59). Even Christoffer Hill (1990, p. 54), one of the advocates of the concept, criticised civilian power for “its strong element of wish-fulfilment” and assumptions “about the changing nature of influence in international relations”. Orbie (2006) argues that civilian power was not a very central idea even for Duchêne – the man who coined the term. Already in 1974, Everts commented that “it is difficult to find out what exactly the supporters of a CPE

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<sup>12</sup> The same year Galtung published his prediction that the European community was a superpower in the making (Galtung, 1973). Just like Duchêne, Galtung comments on the EC’s economic power, but he makes the opposite normative conclusion. In a reflection on the book from 1984, he writes: “Relative to the Third World it is a direct continuation of European colonialism, this time with economic rather than with military means” (Galtung, 1984, p. 10).

<sup>13</sup> However, civilian power was less euro-centric than normative power came to be. Also Japan (and later Germany) has been called a civilian power (Bull, 1982).

<sup>14</sup> Bull’s article does not criticise the civilian power concept in any detail. Instead, he stresses that civilian influence can only be exercised under certain strategic conditions, created by the military power of surrounding states (and in particular by the two superpowers at the time). In a balance of powers between US and USSR, European civilian power falls short. Western Europe needs to deliberate itself from US dependence and become militarily self-sufficient. Thus, Bull advocates a military alliance between Western European nation states, including a Western European nuclear deterrence force.

have in mind” (quoted in Orbie, 2006, p. 123). Quite like its successor – normative power Europe – the CPE owes much of its success and longevity to its vagueness.

In addition, the core claim of the concept was challenged by the actual transformation and expansion of European integration. In particular, the formalisation of foreign policy in the Maastricht Treaty (1992/1993), was an attempt by the ‘political dwarf’ to outgrow the ‘economic giant’s’ pocket.<sup>15</sup> The end of the Cold War and the transformation of European states from industrial to post-industrial economies created a space and demand for European external political action, which found its voice in the CFSP. Seth Jones (2007) explains the emergence of the EU as a collective sender of sanctions as a product of the end of the Cold War. According to him, the change from a bilateral to a unilateral world order created the structural condition for European countries to impose sanctions collectively rather than unilaterally or in different multilateral constellations (usually involving the US). Jones found that between 1950 and 1990 only two out of twelve cases of European sanctions were imposed through the EC, whereas the share skyrocketed to 78% for the period between 1991 and 2006 (Jones, 2007, p. 97).<sup>16</sup>

The paradigmatic changes in the international environment surely enabled a strengthened European cooperation in foreign and security policy. However, the institutionalisation of a common foreign policy – partly made possible by these structural changes – is what made *European-level* sanctioning the rule rather than the exception (see Smith, M.E., 2004). A continuation of the coordinated bilateral European sanctions practice, which did occur on a number of important occasions during the Cold War<sup>17</sup>, would have been perfectly possible without a common policy framework. Instead, the Member States chose to formally commit to common action in this area, with accompanying principles of coherence and loyalty.

In other words, the emergence of a European sanctions policy came about after important Treaty changes and was part of the greater process of constructing a

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<sup>15</sup> The EC in the early days of European integration was often referred to as an economic giant but a political dwarf.

<sup>16</sup> Not only European-level sanctioning increased after the Cold War, but the overall use of international sanctions expanded considerably.

<sup>17</sup> See Michael E. Smith (2004, p. 54), who notes that early EPC (European Political Cooperation) use of sanctions “typically involved the EC to some degree” (see also p. 131 on how Art. 113 EC “became standard practice for sanctions”).

common foreign policy. From a view on sanctions as tools of economic statecraft (Baldwin, 1985), the creation of a European economic sanctions policy was consistent with the ‘civilian power’ understanding of Europe’s international role in primarily economic terms (Smith M. E., 2004a, p. 5). However, the increased use of sanctions, as an integral part of the “*overtly political*” CFSP (Smith M. E., 2004a, p. 248, emphasis in original), can be thought to exceed the postulations of civilian power. In addition, the move away from comprehensive sanctions to targeted sanctions against individuals represents a partial de-economisation of the instrument (see p. 43 ff. of this chapter).

The EU’s new international role was a “baptism by fire” (Ginsberg, 2001); the creation of the CFSP coincided with the early years of the Yugoslav wars. The EU managed to agree on an extensive sanctions programme, but these measures were largely judged “either wholly ineffective or counterproductive in ending the conflict” (Jones, 2007, p. 129; see Smith, 2004, p. 195-196; cf. Jones himself, 2007). That the Union could not hinder the catastrophe that was unravelling in its own backyard was a sharp wake-up-call. In the words of Ginsberg (2010, p. 251): “In retrospect, the deaths of 200,000 civilians in BiH and elsewhere in former Yugoslavia and the shortcomings of good diplomatic intentions marked the end of innocence and naiveté in the external dimension of European integration.”

While the CFSP did not have an easy start, the EU’s increased external action nevertheless came to challenge existing conceptions that saw the Union mainly as an economic actor. The concept of civilian power has continued to be a part of academic and political discourse (Nunes, 2011), in the early 2000s it looked as though normative power Europe (NPE) would take over as the main conceptual reference for the EU’s largely non-military character.<sup>18</sup> Ian Manners’ article “Normative Power Europe – A Contradiction in Terms?” won the Journal of Common Market Studies’ prize for the best article of 2002 and came to dominate the debate on the EU as an international actor right up to the end of the decade.<sup>19</sup> As suggested by the title of the first article, Manners was well aware that coupling normative with power was a controversial

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<sup>18</sup> Civilian and normative power share many features but diverge in emphasis. According to the concept of normative power, loyalty to international law and multilateralism is more central than economic power in itself. Civilian power, on the other hand, sees economic power as the means by which normative influence can also be exercised. Moreover, Manners wished to distance himself from the historical connotations of civilising Europe and imperialism.

<sup>19</sup> The title paraphrases Hedley Bull’s JCMS article “Civilian Power Europe – A Contradiction in Terms”, from 1982.

move.<sup>20</sup> Although it is not framed specifically in these terms, NPE builds on the premise that “the distribution of material power among states does not necessarily parallel the distribution of symbolic power” (Hurd, 2005, p. 495). The EU may be weak in military capabilities, but it is powerful both economically and in non-material ways. The NPE-thesis argues not only that the EU empirically acts as a normative power – changing conceptions of ‘normal’ by promoting multilateralism and loyalty to international law – but also that it is ontologically predisposed toward the external promotion of norms by the very virtue of the fact that it is a model of peaceful integration. Finally, and maybe most daringly, the thesis posits that it is normatively positive to act as a normative power.

Fashions in how to label the EU are noteworthy representations of the times in which they were produced, and normative power is no exception. NPE responded to a demand for an updated conceptualization of the European Union as a quickly evolving international actor. In addition, much like the civilian power notion, the normative power Europe concept provided a welcome term with which the Union could make sense of itself. In his reply to Diez in 2006 (p. 168), Manners remarked on the time sensitivity of his concept:

[i]n many respects, the Normative Power (NP) thesis was written in a different era to the one in which we now live. Imagined in the 1990s and first written during the years 1999–2000, *Normative Power Europe: A Contradiction in Terms?* reflected the crystallisation of the European Union (EU) at the end of the twentieth century.

Accordingly, since 2002 numerous publications have made more or less drastic revisions of the original NPE-thesis or advanced new conceptual propositions (Sjursen, 2006a; Sjursen, 2006b; Nicolaidis & Howse, 2002; Manners & Whitman, 2003; Manners, 2006a, 2006b; Whitman, 2011; Diez, 2005; Lerch & Schweltnus, 2006; Lightfoot & Burchell, 2005; Bicchi, 2006). Not the least of which has been the contribution of Manners himself to a debate that has at best been unusually lively, (self-)critical, and open for

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<sup>20</sup> Curiously, NPE shares important features with Kagan’s (2003) description of Europe as ‘Venus’ – a champion of cosmopolitanism, international law, and soft diplomacy. However, for Kagan these characteristics do *not* represent a kind of power but rather a consequence of Europe’s lack of power: “Their tactics, like their goal, are the tactics of the weak” (2003, p. 61).



reconsideration.<sup>21</sup> To mention one important theme, Manners (2006c) has discussed what a militarisation of the EU might do to its normative power characteristics.

Overall, the scrutiny of the NPE-thesis engaged very actively both with the flaws of the concept itself, exposing internal contradictions and lacking scope of operationalisation, and with the problems of its application to the EU specifically. Diez (2005) convincingly argued that the more flexible aspects of the concept would in principle even allow for the US to be called a normative power, albeit against its original intentions. While some have toned down the uniqueness-claim and its exclusive reference to the EU, to instead compare the normativity of different actors (Tocci, 2008a), the concept continues to be strongly associated with the EU. Moreover, it is now common to speak of a normative actor, normative foreign policy, or normative ethics (Manners, 2008) rather than normative power. In Tocci et al's study of the foreign policy behaviour of five different actors, the authors found that "the centre of gravity for the international player under their investigation tends to be normative" for all cases (Tocci & Manners, 2008, p. 301). In my judgment, this result bespeaks the excessive inclusiveness of the framework even in its revised version. Indeed, the basic uncertainty regarding what is actually meant by normative – beyond the prescriptive connotation – has never been sorted out but instead further stretched in different directions. In consequence, 'normative power' has essentially become an umbrella-term authors use to sum up their evaluation of a studied phenomenon: was a policy 'normative' or not? In spite of a suggested "post-normative turn"<sup>22</sup> in EU external action (Cavatorta & Pace, 2010) the normative power thesis is deeply internalised – in all its fuzziness – especially in that EU foreign policy research which deals with issues of democracy promotion or norm promotion at large.

Precisely since concepts are the products of their times – obviously they are socially constructed – they are never "mirrors of the world 'out there'" (Kurowska & Kratochwil, 2012, p. 90). Yet, it is feasible – indeed necessary – to scrutinize their meaning in use (Kurowska & Kratochwil, 2012, p. 92), with regards to internal consistency and external applicability. Here I argue that the relentless emergence of

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<sup>21</sup> See the website of Prof. Manners at the University of Roskilde for full list of his NPE-publications.

<sup>22</sup> The post-normative turn is argued to represent a development towards a more pragmatic – i.e. interest-driven foreign policy (Seeberg, 2010). Both in normative and post-normative discourse, interests and norms are treated as analytically distinct, while they may coexist in policy practice. This does not acknowledge that interests and norms are deeply interdependent already from the moment of their construction; and that they can therefore only be made sense of in terms of each other.

new concepts has favoured a degree of simplification that conceals the multi-level and multi-dimensional complexity of the EU. As put by Diez “as long as there is such a proliferation of names, and conceptualizations of what the name ‘EU’ means, the EU remains beyond the framework of our political knowledge” (1999, p. 598).

Rather than contributing to an already overpopulated universe of concepts, this work focuses on detecting patterns of commonality and difference in the use of language with regard to sanctions. Consequently, it neither prioritises questions as to what extent the EU actually is a *sui generis* entity, nor is it primarily interested in what to call such a possible uniqueness.<sup>23</sup> Rather, I subscribe to Checkel’s (2006) call to “view the EU less as a *sui generis* political order and more as an exciting laboratory for exploring themes of relevance to the broader academic community”.<sup>24</sup> This follows what Moravcsik (1993, p. 474) concluded much earlier about the study of European integration: “Although the EC is a unique institution, it does not require a *sui generis* theory.”<sup>25</sup>

Before attaching labels, however, the characteristics of the EU as an international actor logically need to be empirically studied within carefully chosen parameters. I propose that this is best done by systematically analysing and contrasting the Union’s competing self-understanding(s) with the perceptions that other actors have of the Union. Moreover, knowing how an actor prioritises between norms when they cannot be simultaneously achieved aids in the understanding of what qualitatively characterises an international actor. This should be uncontroversial if we recognize that international relations are the arena within which normative struggles between different interests, values, and ideas about the world systematically occur.<sup>26</sup> From this perspective sanctions are a form of ‘normative’ action, not in the sense proposed by the NPE of ‘goodness’ or ‘normality’, but rather as expressions of an actor’s subjective

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<sup>23</sup> Although in a trivial sense the EU clearly is unique, treating it as an instance only in and of itself is a (debatable) choice rather than a necessity. Even that which in its totality is unique shares certain features with historical or contemporary examples. Since the early 1990s, European integration scholars have warned that the “*sui generis* mentality” risks building up unjustified walls to other fields of study; obscuring potentially relevant analogies and shared experiences (Diez & Whitman, 2002, p. 44).

<sup>24</sup> European intra-communitarian cooperation was, for much time, considered a case of *international* or *transnational* (Risse T. , 1996) politics.

<sup>25</sup> For a discussion on whether the CFSP is more or less *sui generis* than other forms of European cooperation, see Ohrgaard, 2004.

<sup>26</sup> This does not dispute the fact that normative struggles are usually given shape through material policy expressions.

normative positioning. This thesis conceives real world politics to be about the distribution of contested values and thus to constantly involve trade-offs (see Thompson, 1958, p. 437). Therefore, unlike the NPE thesis and other value-oriented conceptualisations of the EU, it does not take ‘norms’ such as human rights and democracy as givens but recognises that their meaning beyond dictionary-style definitions is contested. Instead, by focusing on how sanctions are subjectively understood by the EU as a sender and by the AU as a significant bystander, I am able to demonstrate the impact that the continuous political re-negotiation of norms has on external identity formation.

## Contributions to the Literature

Studying identity formation through the empirical lens of sanctions brings a previously untold story to the debate on the EU as an international actor. Apart from the novelty of the topic itself, the thesis tries to present a fresh perspective by questioning conventional assumptions and predominant methodological routes. There are three separate points in which this research disagrees with the priorities established in the mainstream research on EU external relations. The first concerns the proximity between researchers and the object of study; the second regards the sometimes limited treatment of EU discourse; and the third addresses the lack of proper attention given to the perceptions of external actors.

## Risks of Proximity and Benefits of Public Relevance

Research on the EU often has a normative undertone that – more or less explicitly – speaks of the Union as a (potentially or actually) particularly *good* international actor. While the NPE-thesis contains an explicit normative argument, the tendency goes beyond the bounds of this framework. Scholars of different theoretical convictions converge in support of the European project and accordingly seek to contribute to its survival and progress with their work. This mirrors what Risse calls the “elite-consensus” in favour of the EU (Risse, 2005; also Krotz, 2009, p. 559-560; see Eurobarometer).<sup>27</sup> Already in 1999 – i.e. way before the boom of labels – Diez noted that “the various attempts to capture the Union’s nature are not mere descriptions of

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<sup>27</sup> It is also noteworthy that a number of sizeable grants have been rewarded by the EU’s funding mechanisms for research on Europe’s evolving international role.

an unknown polity, but take part in the construction of the polity itself" (1999, p. 599). These articulations "are not politically innocent" (p. 599); they are expressions of "the politics of discourse" that may enable the EU to act in certain ways (p. 611; also Diez, 2001).

Indeed, the terminology used to speak of and describe the EU echoes between Brussels and universities, leaving scholars "vulnerable to the charge of being unable to distinguish between their own sympathy for the European project and their academic role as critical analyst" (Sjursen, 2006a, p. 170; also Diez, 2004, p. 325). For instance, during an interview in July 2007, Commission President Barroso stated that "[i]n terms of normative power, I broadly agree: we are one of the most important, if not the most important, normative powers in the world" (quoted in Manners 2008, p. 78). I pick this example insofar as it illustrates how the term has travelled not only from academia to the policy sphere, but also how its use by political elites makes its way back into the scholarly accounts. Manners (2008, p. 79) refers back to Barroso's use of the term:

As José Manuel Barroso argued when asked to comment on my normative power approach, the EU might be one of the most important normative powers in the world because of its ability to establish normative principles and apply them to different realities.

Such commuting between the world of the observer and the observed is dangerous if it creates a mutual legitimization of concepts that are theoretically fuzzy and have failed to be proven to be empirically relevant.

Out of concern for academic integrity, it is helpful to think of extra-disciplinary relevance not primarily in terms of policy relevance but rather in terms of public relevance (Malin & Latham, 2001, p. 229). The mission of this thesis is not to identify ways to make sanctions more effective or to make the EU more likable as an international actor. Rather, it aims to address questions about the EU's foreign policy, which are significant not only for the academic community but also for the European public. In particular, by empirically showing that sanctions may be self- rather than target-oriented, the thesis adds to the wider debate about the EU's relevance to European citizens. The results of this thesis echo with impressions of the EU as an inward-looking political giant that has difficulty to demonstrate the concrete value of much of its policy action. The distrust of European citizens with regards to EU's policy

output is a political problem for the EU at the level of the institutional democratic deficit.<sup>28</sup>

Yet, European foreign policy cooperation has for long been considered the proud exception to growing euroscepticism on the continent. Indeed, in the Eurobarometer surveys of 2003, 2004, and 2005, 80 to 83% of respondents tended to agree with the statement that “When an international crisis occurs, European Union member states should agree on a common position” (Eurobarometer web). In May 2012, 61% overall expressed support for a common foreign policy (Eurobarometer 77, 2012). However, support is decreasing and attitudes are split between member states.<sup>29</sup> Moreover, it is not certain that the public opinion attitudes mirror what the EU actually does. Few of the foreign policy items listed in the Eurobarometer are directed at measuring or evaluating concrete policies and the wording of the evaluative statements are of a general nature. Hence, while around 60% of Europeans agree that the EU tends to play a positive role regarding peace in the world (Eurobarometer 2003, 2004, 2005, 2006, 2007)<sup>30</sup>, between 31% (2004) and a more modest 18% (Eurobarometer 77, 2012, p. 51) respond that the EU means to them a “stronger say in the world” (average 2003-2012: 24,28%).<sup>31</sup> In addition, support of common foreign and security policy is not accompanied by the willingness to increase spending, in particular with regards to defence (Krotz, 2009, p. 564). It seems that beyond the usually unspecified support for a common foreign policy concrete issues are characterised by low salience (Moravcsik, 2002, p. 616). As noted by Michael E. Smith (2000, p. 616) secrecy around foreign policy-making reduces “public politicization of issues brought up for discussion”. Media’s often-superficial treatment of foreign policy issues in general, and sanctions in particular, enhances this unfavourable condition for awareness-building. These factors taken together, it is an easy choice for this thesis to prioritise public relevance over ready-made policy recommendations (see pp. 35-36).

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<sup>28</sup> I owe the point about self-orientedness as a potential political problem to Ulrich Krotz.

<sup>29</sup> Eighty-one percent of Slovakian respondents (same share of respondents from non-Member State Macedonia are in favour) and 74% of Bulgarian were in favour, compared to 39% of Swedes and 37% of Brits. Fifty-nine percent of Swedes and 52% of Danes were *against* a common foreign policy (p. 70).

<sup>30</sup> The Eurobarometers’s wording is: “And in your opinion, does the European Union tend to play a positive role, a negative role or neither positive nor negative role regarding peace in the world?”.

<sup>31</sup> The Eurobarometer’s wording is: “What does the European Union mean to you personally? (MULTIPLE ANSWERS POSSIBLE)”.

That many academics conceive of the European project with a friendly mind-set does not mean that they are uncritical toward EU external action. On the contrary, most empirical studies demonstrate disappointment regarding the EU's performance, insofar as this is perceived to lack unity, consistency or that discrepancies exist between rhetoric and actual policy behaviour. Börzel and Risse (2009, p. 50) state that "the EU is often using double standards when dealing with human rights violators", and Jurado (in Brummer, 2009, p. 206) criticises EU human rights promotion as "piecemeal and incoherent at best, and guilty of double standards and hypocrisy at worst".<sup>32</sup> Youngs (2012) highlights the "inconsistent and unprincipled" practices of democracy promotion, and Knodt and Junemann (in Brummer, 2009, p. 206) agree that "some countries are strictly sanctioned while others remain almost untouched". Karen E. Smith (2003) sees double standards as a problem for EU effectiveness, while Tocci and Manners (2008, p. 317, 328) argue that lack of "normative consistency" will lead to the EU's "normative downgrading". Moreover, Zielonka (2006, footnote 38) hesitates to embrace the term 'Normative Power Europe', since "the Union's promotion of values is not consistent enough (and at times even hypocritical)". Finally, in one of the few contributions on sanctions, Brummer (2009, p. 205) finds that "autonomous European sanctions are imposed against weak, authoritarian and/or politically isolated states". In his judgement, due to three identified inconsistencies - selection of countries, what triggers sanctions, and exemptions – EU's sanctions policy is "not so normative".

In spite of these disappointments, presumptions that an EU 'normative comparative advantage' exist continue to persist. The type of criticism voiced above thus remains within the limits of the pro-European discourse. Questioning the principled legitimacy of the EU's external policies is rare. Normative power Europe is again a case in point, as it incorporates an openly normative claim about the EU's special qualities as an international actor. Four years after his first article, Manners asserted (2006a, p. 168): "It was, and is, a statement of what is believed to be good about the EU; a statement which needed to be made in order to stimulate and reflect on what the EU should be (doing) in world politics."

This assertion did not pass unchallenged. The same year Sjursen asked, "how, if at all, can we know, as it is implied, that 'acting in a normative way' is a 'good thing'?"

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<sup>32</sup> According to Brummer (2009, p. 206), Jurado's findings of inconsistencies in EU human rights policy can "easily be transferred to the organization's sanctions policy".

The same year Sjursen asked “how, if at all, can we know, as it is implied, that ‘acting in a normative way’ is a ‘good thing’?” (Sjursen, 2006b, p. 236). Indeed, most work on the EU as a normative, ethical, civilian, civilising power does not discuss the appropriateness of the different types of conditionality that the EU employs in the name of liberal norms and values (cf. Sjursen 2006b). On the contrary, engagement with authoritarian regimes that lacks explicit conditionality is often dismissed as unsuitable. Claims that the EU does not truly act as a normative power often build on found inconsistencies in its exercise of conditionality rather than on questioning the normative legitimacy of such policies from the outset (for instance Brummer, 2009; Pace, 2007). Tocci (2008b, p. 9) finds that “it is awkward to argue that cooperation with an authoritarian regime is more ‘normative’ than punishment-based incentives towards it”. Yet, it would be equally awkward to argue without further qualification that punishment-based incentives are necessarily more ‘normative’.

The belief in the EU’s normative difference is usually associated with a claim that this difference embodies certain universal values of European origin. For Schimmelfennig (2001, p. 59) “[t]he belief in and adherence to liberal human rights are the fundamental beliefs and practices that constitute the [European] community.” Surely, as Diez and Whitman have observed (2002, p. 53), common values are articulations of the process by which the EU imagines itself. In this sense, the Union’s rhetorical referencing to proclaimed values is “[a]n interesting identity construction” (Bretherton & Vogler, 2006, p. 43). However, this identity construction competes with other self-images and practices. This is confirmed by the rather split picture provided by Eurobarometer data, wherein Europeans are asked to identify the three values that “best represent the EU” (2012, pp. 236-237).<sup>33</sup>

Smismans (2010, p. 45) finds that the “[fundamental rights] narrative contains factual error, but is believed and acted upon by both institutional myth-makers and civil society actors” (see Henry, 2001 for another account on European identity and myth-making). According to Rudolph (2001, p. 1) the value-paradigm “never amounted to more than, at best, a regulating counterpart to Europe’s permanent tendency to political self-destruction”. D’Andrea (2001, pp. 133-134) similarly dismisses the idea of common “substantial values” or “concrete cultural contents” that characterise Europe’s

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33 The question was: “QE3 Which three of the following values best represent the EU? (MAX. 3 ANSWERS)”.

past, since “for every position Europe has also developed the exact opposite” (see Rudolph, 2001, p. 7).

One look at the history of European integration confirms that extrovert value-promotion has not always been the basis of European identity construction. Already in 1973 heads of state of EC-9 deliberately chose to embrace the concept of ‘identity’ for European foreign relations. The Declaration on European Identity (European Communities, 1973) states:

The Nine Member Countries of the European Communities have decided that the time has come to draw up a document on the European Identity. This will enable them to achieve a better definition of their relations with other countries and of their responsibilities and the place which they occupy in world affairs.

The identity envisaged in the declaration balances claims of commonality and difference, and respect for “cherished values of their legal, political and moral order” and preserving “the rich variety of their national cultures”. What was to become (in 2000) the EU’s official slogan – ‘unity in diversity’<sup>34</sup> – is recognised here as “the dynamic nature of European unification”. The emphasis on diversity applies also to EU external relations. No mention of European external norm promotion or ‘civilising’ of third countries is made. Instead, the Community sets out to cooperate harmoniously with *all* countries, to be guided by objectives of equilibrium, justice, and sharing of prosperity:

European unification is not directed against anyone, nor is it inspired by a desire for power. On the contrary, the Nine are convinced that their union will benefit the whole international community since it will constitute an element of equilibrium and a basis for co-operation with all countries, whatever their size, culture or social system. The Nine intend to play an active rôle [sic] in world affairs and thus to contribute, in accordance with the purposes and principles of the United Nations Charter, to ensuring that international relations have a more just basis; that the independence and equality of States are better preserved; that prosperity is more equitably shared; and that the security of each country is more effectively guaranteed. In pursuit of these objectives the Nine should progressively define common positions in the sphere of foreign policy.

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<sup>34</sup>This slogan has been used in many contexts beyond the European Union, notably by the South African Apartheid regime in a campaign 1981.



Reading this document, which is still in force, it is remarkable that the EU has chosen to conduct a foreign policy that at least on paper revolves around positive and negative conditionality. Conditionality is a combined 'carrot and stick' approach, where relations to the EU are made conditional upon the fulfilment of certain criteria. To the extent that these criteria fulfil the EU's commitment to 'mainstreaming' human rights, democratization, and gender (Council of the European Union, 2006a; European Communities, 2008), conditionality is framed as a norm promotion mechanism. This is particularly apparent in the Copenhagen criteria established in the EU's enlargement policy, but also in the European Neighbourhood Policy, as well as in the human rights clauses for its developmental co-operation and association agreements. In short, most of the EU's formalised external action towards the 'non-developed' world includes the use of conditionality, at least on paper. When looking at its origins, active European identity formation was about increased exchanges for global justice, and not spreading what are assumed European values. Thus, this document highlights how even the EU's articulations of conscious identity formation are not (necessarily) about executing certain primordial characteristics.

Moreover, when confronted with actual policy-making, articulations of common values lose their harmony. As Havel (2001, p. XIII) states: "many European traditions, principles or values are typically ambiguous and many of them, if thought out, used or misused, can lead to hell." It is for this reason, in contrast to Bretherton and Vogler (2006), that commitments to certain 'European' values are not made a definitional basis for the Union's identity as an international actor in this thesis.

It ought to be generally recognised that the way that the 'core values' are articulated in the Treaties and in other official documents, give little meaningful guidance for policy-making (see Bretherton & Vogler, 2006, p. 212). As put by Sedelmeier (2004, pp. 124, 129) "norms that characterise EU identity [construction, I would add] are often diffuse and the behavioural prescription that they imply in a given situation are thus open to interpretation and debate." Although the end-goals may be agreed upon – people generally like peace, liberty, democracy, rule of law, and human rights – these do not dictate a straightforward formula with which to decide a concrete policy strategy (cf. Manners 2002). Many of the situations where sanctions are discussed are normatively and practically complicated; this more often than not forces

the Union to make an operational ranking of those values that could be considered 'European'.

### **EU-Discourse beyond 'Euro-Speak'**

Most definitions of discourse revolve around a meaning in which discourse is considered to be *language in use* (Van Dijk, 1997, p. 1; Ricoeur, 1973, p. 92; Wetherell, Taylor, & Yates, 2001, p. 3). An alternative view considers discourse as a system of representation (Hall S. , 2001) that also includes non-linguistic practices and objects (e.g. body-language and architecture respectively). Even in the first definition discourse is a broad notion, given that much of what people do – individuals and political actors alike – takes form through language. "Not only is language the conduit of meaning, which turns practices into the location and engine of social action, but it is itself an enactment or doing in the form of 'discursive practices'," Adler & Pouliot state (2011, p. 8). Although many students of EU foreign policy are interested in discourse, surprisingly often the analysis is based on a narrow selection of high-level documents combined with secondary literature. I find this paradoxical, given that the very notion of discourse is prone to a comprehensive analysis that makes use of a wide range of sources. Presume that we are interested in EU discourse on whale hunting, US discourse on torture, or Amnesty International's discourse on gay rights. Even for fairly well-delineated topics such as these, discourse is a broad notion. I would imagine that even the Amnesty's discourse on gay rights – probably the most specific of the examples – to go beyond primary publications to include debates during the yearly international conferences, discussions at meetings on the national and group level, and ultimately each individual member's language as s/he is canvassing in the public space. It goes without saying that for EU foreign policy, discourse – and the number of discursive agents involved – are multiplied far beyond this scope. The point here is not that every single utterance ought to be included in a discourse analysis. I am convinced, however, that studies, especially of phenomena as composite as identity, benefit from a generous conception of discourse. Christiansen, Jørgensen, & Wiener (2001, p. 15) point out that:

If the study of identity formation is accepted as a key component of constructivist research, the role of language and of discourses becomes crucial. Treaties, directives and communications from and to the European institutions speak a specific and unique language which is often only understood by a limited circle of insiders.

I agree with the authors that the construction of an EU-specific vocabulary can shed light on how the Union regards itself. “The purpose-built vocabulary of terms to describe (and shape) the reality of the EU” (Christiansen, Jørgensen, & Wiener, 2001, p. 15) includes the invention of the term ‘restrictive measures’ to connote sanctions. The technocratic lingo that Schmitter (1996, p. 133) labelled “euro-speak” is a fascinating part of EU discourse. Yet, there is more to it. Language use is important as a signifier of identity even when it is not consciously directed towards the explicit purpose of constructing the self. In this thesis, therefore, I use a rich selection of material, including more than ten years of European Parliament debates on sanctions. This improves the prospect of making general arguments about a rather broadly stated research problem, while at the same time makes it more likely to disconfirm initial expectations (cf. Moravcsik, 2001).

It is a basic but crucial point that the Union is involved in both first- and second degree identity formation, both of which may contain internal ambiguities. The first-degree is made up of explicit references to identity in the Treaties, the 1973 Declaration, and other core documents, as well as the production of European symbols such as the flag, the hymn, and Europe day. Too many studies stop here, and, in my estimation, reach premature conclusions regarding what characterises the EU. In these documents the EU is in its comfort zone; it is fully in charge of the message it is transmitting and is willing and able to hide previous disagreements. The moment this thesis aims to touch upon the controversies in the dustier corners of EU discourse, this is not satisfactory.

The second degree of identity formation is the EU’s performed identity (see p. 62 of this thesis), and refers to its policies and that discourse which goes beyond the framework of conscious identity formation. As this thesis will show, sanctions posit a challenge to the EU’s performed identity and evokes much controversy. The relationship between an abstractedly invented and a performed identity can be compared to that which lies between how a person represents themselves in a cover letter and the accumulated conversations and actions of that very person.

Finally, even if the internal identity construction of the EU evolved unequivocally around genuinely common values or an uncontested grand strategy, it would be mistaken to equate the Union with this construction. This is because an actor cannot simply decide on its own what kind of actor it wants to be (Kurowska & Kratochwil,

2012, p. 96). Rather, there needs to be fertile soil in which the actors' self-representations can be sown. No actor is entirely the master of its own identity formation. Instead, the construction of external identity will play out differently for different actors depending on their (social) position in the international system.

### **From Euro-centrism to Relational Identity Formation**

Taking external perceptions into consideration is an efficient way to prevent EU research from becoming a club of self-admiration and to effectively put normative assumptions to the test. Most of the previously mentioned conceptually oriented literature has failed to do so. Instead, they have focused on top-level foreign policy, often downplaying internal nuances and paying little or no attention to the perceptions of non-EU actors. Recently this methodological bias has been challenged by a number of studies that investigate the recipient side of EU foreign policy (Elgström, 2007; Lucarelli, 2007; Lucarelli & Fioramonti, 2010; Van Criekinge, 2009). This is a welcome development that is likely to expand rapidly over the coming years.

It is already worth noting that Lucarelli and Fioramonti's sizeable research project on external perceptions of the EU finds no support for the NPE thesis. Instead, "[a]cross the globe, political elites hold serious doubts about the effectiveness and credibility of the EU" (Lucarelli & Fioramonti, 2010, p. 219). Yet, the act of taking external views of the EU seriously is still in an early stage and faces some important methodological challenges. In their influential work on the EU as a global actor, Bretherton & Vogler (2006) bring in the outsiders' perspective by studying the perceptions of the EU that are communicated by staff of third country missions to the EU. The perspectives and experiences of Europe-based foreign diplomats provide revealing information that effectively corrects self-centred views of Europe's image. However, by taking only the opinions of presumably already 'Europeanised' elites into consideration one runs the risk of overestimating the EU's role as an international actor. EU foreign policy does not stop at the borders of the European Quarter of Brussels. In consequence, outsiders' perceptions should optimally be investigated in many locations around the world, and not exclusively in Europe. My research on the perceptions of the African Union for this thesis, therefore, largely took place at the organisation's headquarters in Addis Abeba, Ethiopia.

In addition, the frontrunners of the literature have not yet presented a fully developed theoretical understanding of the importance of the perceptions of external actors for the EU as an international actor. In particular, it has not been duly acknowledged that the construction of an international actor is *fundamentally relational*. The social situation wherein a person gets attributed a nickname exemplifies this relational aspect. Usually, a person cannot simply choose their own nickname but rather must receive it on someone else's initiative. If the nickname manages to pinpoint a central characteristic that embodies who a person is, it is more likely to endure and to take also root beyond the immediate circle of initiators. For the nickname to work in a social context, a person must self-identify with the nickname enough to know that it refers to them. In the long run, one may even start to refer to themselves using this nickname. Also in world affairs, what an actor becomes is dependent not only on its self-definition, but also on how its actions are perceived by others.

Hence, for the topic of this thesis, external perceptions are placed alongside an in-depth analysis of the EU's self-understanding: this in order to compare, contrast, and seek to make sense of commonalities and discrepancies. Hitherto, the priorities for research on external perceptions have been on other aspects. For instance, Lucarelli and Fioramonti (2010) are interested in external views insofar as awareness of these can help render EU external action more efficient. Knowing more about how others perceive the Union will have an "impact on [its] success as a player", and bring about more "effective communication skills" (Lucarelli & Fioramonti, 2010, p. 2). Moreover, they suggest that discrepancies between the EU's self-image and the views that others have of the EU are due to a lack of information (Lucarelli & Fioramonti, 2010, p. 3). Judging from my study of AU perceptions of the EU, I doubt that information flows on their own can overcome often historically constituted differences between how you see yourself and how others see you. Rather, it is the intensity and mutual relevance of the interactions between actors that creates a common ground. Even so, a certain gap between self-understanding and external perceptions is likely to remain.

Overall, interest in external perceptions – as welcome as it is – is often justified on the basis of the good that it will do for the EU rather than on a theoretical argument. In contrast, I argue that external views are constitutive elements of what an actor is, not simply variables to be used in one's identity construction. The shaping of an actor's identity is fundamentally relational, and this is why we have to study not only the EU's

self-understanding as an actor, but also how the discursive messages that it sends out about itself are picked up, dismissed, or accepted by outside actors.

The relational character of identity formation, however, will substantially vary between different spheres of external action. The Union has many different faces in its external action: engaging in everything from political dialogue to trade to traditional diplomacy to development aid. In addition, much of the EU's 'internal' policy output has an external dimension. Some might argue that the military operations of the Union are more drastic deviations from soft power assumptions and have a greater impact on the experiences that third countries have of the EU. Others may think that the EU's trade policy, or the use of foreign aid, are more telling examples of how the EU engages with others as an international actor. Considering the accumulated economic force of the EU, or the fact that it is the world's largest donor of foreign aid,<sup>35</sup> these arguments are not farfetched. The list could be expanded to almost any type of action with an external dimension – enlargement policy, environmental negotiations, the Common Agricultural Policy (CAP), etc.

I do not doubt that all this matters. All that the EU *does* as an international actor undeniably counts in its own way for what the EU *is* as an international actor. Nonetheless, to take the entire myriad of more or less institutionalised actions of “external dimension” into account would not give us much new insight into what the EU is as an international actor. Instead, in this thesis I focus on only one specific type of external action, the use of sanctions. While all of the aforementioned tools contribute to the overall external communication, none is as purely a communicative act (see pp. 25 ff.). Sanctions may not be very successful in terms of inciting targets to change, but as expressions of disapproval of certain behaviours they effectively demonstrate how actors position themselves in world affairs. Hence, this thesis prioritises sanctions for the aforementioned reasons, and does not compare how different policy tools contribute to the EU's external identity (see chapter 8 directions for future research). Yet, observing EU foreign policy through the lens provided by sanctions, does not lead into tunnel vision. To treat sanctions in isolation would not only be completely detached from political realities, it would also bias our understanding of how sanctions influence external identity formation. Any existing, past, or future sanction exists in a wider foreign policy context and may be combined with a number of other tools.

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<sup>35</sup> Commission and Member States together.

Military action, public diplomacy, and positive conditionality are examples of approaches that can be used in complement to sanctions, or in a policy sequence that includes sanctions. However, in specific policy situations far from all combinations of measures are available or judged to be suitable. This thesis includes into the analysis positive and negative policy linkages made between sanctions and other external measures. While the EU is in principle committed to using sanctions in *complement* to other strategies, the chapter on policy linkages (chapter 6) brings empirical evidence that the existence of a sanction is often taken to constrain the available options for action.

Likewise, prior identity formation attempts have set the conditions for the emergence of the EU's sanctions policy; and thereby also for any identity construction ensuing thereof. In addition, other actors' perceptions of the EU are conditioned by their historical experiences of "Europe" in different constellations. Chapters 6 and 7 of this thesis indeed demonstrate that old historical images continue to influence the EU's current perceptions of the EU. Hence, the characteristics that the sanctions policy adds to the EU as an international actor need not be in *opposition* but rather *build on* earlier collective external practices and historical images.

The formalised sanctions policy that we have today would have been unimaginable during initial stages of European integration, although cooperation on sanctions has existed to varying degrees since the 1960s. Earlier in this chapter we discussed Jones' (2007) thesis about how the end of the Cold War led to the emergence of a collective European sanctions policy (p. 8). Apart from changes in the structural conditions, we know that the institutional deepening and broadening of the EU has spilled-over into new policy domains. Hence, we have seen a broadening – and changed balance – of external activities from the economic era of the 1970s and 1980s (see above on civilian power Europe), to a focus on pre-membership conditionality during the Eastern enlargement wave<sup>36</sup> and finally the partially overlapping period where the

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<sup>36</sup> EU enlargement is commonly regarded as the external policy that has most convincingly demonstrated the Union's power of attraction and capacity to induce normative change (Smith, K. E. 2004; Schimmelfennig & Sedelmeier, 2005). However, it has been questioned whether the Copenhagen criteria were fairly applied to all candidate states (compare the consistency-debate referred to in this thesis), and in some cases the development in internal affairs after accession has revealed the EU's lack of formal tools for dealing with norm violations among its members. As candidate countries are internalised into the Union, they are removed from the domain of potential sanctions (apart from in financial matters). No country that has been under EU cfsp-sanctions has so far entered the Union, and this is unlikely to change in the near future. Serbia might be the closest to accession, but

EU is present in most corners of the world and has incorporated positive and negative conditionalities in most of its dealings with (developing) third countries.<sup>37</sup> The EU's enlargement policy has indirectly influenced the development of the sanctions policy in at least two ways. First, each enlargement wave has brought new national foreign policies to the European 'melting pot' (see chapter 4 of this thesis). Second, it is well-known that at the end of the extremely resource-demanding last enlargement, staff and money from the departments responsible for enlargement were transferred to other external policy priorities.<sup>38</sup>

However, a systematic chronological study of the different stages of EU external identity formation lies outside of the scope of this thesis. Instead, it focuses on how the EU speaks about sanctions in official documentation and debates between 1999 and 2012. This period captures a central phase in the development of the CFSP, and covers the entire timeframe since the formalisation of the sanctions policy (2004).

The aim of this study is not to explain the emergence of EU sanctions as such, but to analyse what their existence says about the EU as an international actor. In consequence, this thesis will *not* make a statement about whether or not this experience brings a new or substantively distinct identity to the EU. What the thesis aims to do is to show that the EU's use of sanctions carries important messages about how the EU thinks about the world, how it wants to be seen, and how it is actually perceived by a significant bystander; the African Union. The next section will further elaborate on why the previously 'untold story' of sanctions can further our understanding of the European Union.

## Sanctions – the Untold Story

The literature on the EU's external identity – in particular on the EU as a normative power – has given preference to the 'softer' foreign policy tools available to the Union. The EU's work for abolishing the death penalty (Manners, 2002), sustainable

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the current targets in the neighbourhood – Belarus and Moldova – are far from any intention (Belarus) and real prospect (Moldova) to join.

<sup>37</sup> I thank Antje Wiener for signalling the importance of prior episodes of identity formation for this study.

<sup>38</sup> When the EU expanded its external policies, it sought to repeat the success stories of norm promotion through conditionality also towards countries with no or little chance of future membership. This connection most explicitly made in the European Neighbourhood Policy (ENP), but also in contacts with more distant countries where closer relations to the EU are promised in exchange for the fulfilment of certain conditions.



development (Lightfoot & Burchell, 2005), other environmental issues (Falkner, 2007; Groenleer & van Schaik, 2007), and promotion of human rights (Lerch & Schwellnus, 2006; Youngs, 2004) are examples of popular topics. These are surely important instances of EU external action, yet they do not provide a balanced picture of what the EU is when it acts in the world.

Moreover, much of what has been written on EU external identity has focused on the Union's near abroad (Neumann, 1999; Diez, 2006; Sedelmeier, 2001; 2005). This research has provided important knowledge on who is "in" and who is "out" in Europe, as well as on the role Europe's past has played in its identity formation. I argue that processes of othering are not only relevant for the search for "a clearly identifiable European border" (Diez, 2006, p. 245), but also for the construction of an EU identity vis-à-vis other international actors. A study of EU's use of sanctions towards both neighbours and distant targets demonstrates the global reach of this process.

While sanctions have a disputed empirical record, they inherently carry other features of special importance for international actors in the making. Sanctions are neither about temporal othering nor about geographical delineation of the sender's own entity (cf. Diez, 2004). Yet, sanctions create, sustain, and occasionally eradicate existing differences between actors. In particular, regardless of whether sanctions enforce target change or not, they trigger processes of exclusion and inclusion, of distance and proximity. This, I argue, makes the sanctions policy a litmus test for how the Union creates and positions itself as an international actor. Moreover, sanctions are an increasingly diverse policy instrument, where more traditional power politics co-exist alongside new trends in which responsibility is individualised and measures de-territorialised. Especially for the Union – where becoming a full-fledged military actor is still a distant reality – the use of sanctions pulls the most pressing dilemmas of international politics together into one institutional receptacle.

In light of these arguments, it is surprising that this part of the foreign policy spectrum has received so little attention in the rapidly evolving literature on EU foreign policy. Most broad-based studies on the CFSP include sanctions at least in passing, but only a few contributions explicitly relate the Union's use of sanctions to its role as a global actor.<sup>39</sup> One exception is Seth Jones' *The Rise of European Security Cooperation*

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<sup>39</sup> See Karen E. Smith (2006) on the 'proactive cosmopolitanism' of the Union; Kreutz (2005) touches on the implications of sanctions for the understanding of the EU as a 'soft power'; and Brummer (2009) on sanctions and

(2007). Jones mentions, and dismisses, an explanation of the EU's use of sanctions as the result of the construction of a common identity. He does, however, not consider the reversed argument: the prospect that sanctions could be used in a forward-looking *attempt* to construct an international actor. Yet, his argument that the end of the Cold War created a new space for European 'power' could easily be complemented with an argument about how the same structural changes created a new space for identity projections, however primitive and contradictory these projections may turn out to be.

Jones argues that European common norms are fairly unchanged since the beginning of the Cold War, and that a newly acquired common identity therefor cannot explain why European states opted for collective sanctions through the EU only since the early 1990s. While the "democratic and humanitarian norms" that Jones refers to may be relatively stable, he does not consider that many other *substantive* norms have expanded and/or been modified over the last decades (see chapter 5 pp. 194 ff. on norm violations in the sphere of sanctions). Moreover, even if we would accept Jones' claim that European substantive norms are stable, changed *procedural* norms gained through the integration experience have clearly facilitated the expansion of collective external action through the EU (see Smith, M. E., 2004, pp. 117-144).

Also the empirical chapters of this thesis cast serious doubts on the idea that a common identity is the *basis* for action when it comes to sanctions. For our study, however, it is not the stability of norms but rather their contextual contestation and continuous renegotiation that emerges most strongly. Consequently, EU discourse – even from the EP, the EU's self-defined moral guardian – does not reveal a strong logic of appropriateness or sophisticated pre-existing common identity in the field of sanctions. Instead, EU political arguments on the scope and objectives of sanctions still battle how to establish a logic of appropriateness that would allow for a truly systematic (i.e. 'consistent') sanctions policy (see chapter 3 of this thesis, esp. p. 121). The existing logic of appropriateness with regards to sanctions stops at an agreement that the EU needs to *act* in reaction to a wide range of (often subjectively defined) norm violations (chapter 3). In other words, the EU has largely internalised a strong action-norm but the normative specificities of how and when to use sanctions remain highly disputed. However, that the EU seeks to bring itself into being by acting in the domain

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'normative power'. Jones (2007), Portela (2010), Giumelli (2011a) and Eriksson (2011) have made important contributions on EU sanctions, but do not focus on the connection between sanctions use and external identity.

of sanctions does not mean that sanctions actually consolidate the EU's external identity in any deeper sense. On the contrary, this thesis will demonstrate that even as tools for identity formation, sanctions encounter important challenges both in the EU's self-understanding and in the perceptions of the AU. While sanctions may not be very successful in fulfilling identity-related goals, the prominence of self-oriented justifications of sanctions contrasts with central assumptions of the mainstream sanctions literature. In particular, it suggests that the 'sanctions paradox', which remains framed in terms of expected target change, needs to be radically rephrased.

### **The 'Thorny Paradox' of Foreign Policy Sanctions**

The question anyone researching sanctions is most likely to be asked by friends, journalists or colleagues outside of the field is: "do they work?". This question has also preoccupied the scholarly literature to the point of exhaustion if not conclusion. In spite of infinite disagreements on how to appropriately measure their effects, it has been settled with some certainty that sanctions do not work very well in the intuitive way that most people think of when posing this question. They are no miracle cure for transforming targets into well-behaved participants in world affairs. Comprehensive sanctions have a poor track record when it comes to making targets change and are at times even counterproductive vis-à-vis target-related goals (Hart, 2000; Pape, 1997; Lindsay, 1986, p. 153; Eriksson, 2005; Nossal, 1989; Lektzian & Sprecher, 2007; cf. Cortright, 2001). Moreover, some research has called attention to the fact that sanctions can also be very costly for the sender state (Barber, 1979; Beitz, 1979; Doxey M., 1983b; Lindsay, 1986; Haass R. N., 1997; Hufbauer, Schott, & Elliott, 1990).<sup>40</sup> "Most unilateral sanctions will be little more than costly expressions of opposition", as put by Haass (1997, p. 77).

The continued use of sanctions have thus come to be regarded as "a thorny paradox: the tool of statecraft to which they [policymakers] are so attracted has a notoriously poor record of success" (Nossal, 1999, p. 127).<sup>41</sup> Importantly though, even if

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<sup>40</sup> Other researchers (Lektzian & Sprecher, 2007) conversely claim that the issue with sanctions is that senders are not prepared to pay the price for a credible sanctions policy, and instead prefer to minimise their own costs which results in significantly diminishing the credibility of their criticism.

<sup>41</sup> Some contributions to the debate on sanctions maintain that sanctions have succeeded in achieving policy change (Cortright, 2001; Helms, 1999). It has also been argued that there is an underestimation regarding the efficiency of sanctions, which stems from an inclination not to report the success-stories (Rogers 1996, in Pape 1997, p. 91). For instance Panebianco (2006, p. 151) expresses hopes that the use of sanctions "might be a

comprehensive sanctions have had difficulties making targets change, they have not been without consequences for the targets. By the late 1990's, scholars have learnt that "while sanctions were having few effects on the target government, they were having profound effects on the target society" (Buck, Gallant, & Nossal, 1998, p. 72). The mechanism that was assumed to bring about policy change or regime subversion thus seemed to be absent; people did not blame their worsened life situations on the governments, but rather on the sender of the sanctions. Sanctions – being highly visible external attacks in the eyes of targeted peoples (Lindsay, 1986, p. 170) – in some cases may backfire, give rise to a 'rally-round-the-flag' reaction and in the end facilitate sustained political control on the part of the targeted regime (Lindsay, 1986, pp. 161, 168; Stein, 1976; Haass R. N., 1997, p. 80; Galtung, 1967, pp. 389, 411).

Galtung (1967, p. 389) discusses three possible explanations as to why sanctions may increase the political unity of the target country: because the sanction is perceived as an attack on the whole population; because of a lack of identification with the initiator of the sanctions; or because there is a conviction that there is no better alternative to the domestic goals as they have been represented by their government. Since it is hard for a sanctioner to discriminate between domestic supporters and opponents, "sanctions may have the perverse political effect of undermining the power of those in the target most integrated with the international economy and thus most likely to pressure the government" (Lindsay, 1986, p. 162). The 'naïve' sanctions theory has failed to account for fundamental features of authoritarian or, at best, semi-democratic regimes that were the most frequent targets of comprehensive sanctions (see Hoffmann, 1967, p. 141). Even if sanctions can make targeted peoples angry with their political leaders, only under special conditions will they be able to express this anger collectively in such a way as to achieve regime change. Nossal (1999) rightly argues that "this model of the rational, pain-avoiding political leadership has a liberal-democratic corollary". His empirical research found that the countries where sanctions had any substantial effects tended to be "either liberal democracies or have some of the structures, forms, and practices we associate with liberal-democratic politics" (multiparty electoral systems, a functioning domestic opposition that can legitimize

foreign criticism, and an overt political climate which is not hostile to change).<sup>42</sup> The contextual relationship between sanctions and target change is, thus, awkward: they have historically worked best where the need for change is least urgent, and the justification of external involvement is the least evident (see also Rose, 2005, p. 470).

## Symbolism and Sanctions

Faced with discouraging empirical results and a 'thorny paradox' that refused to be straightened out, researchers began to reconsider and redefine the notion of 'success' with regards to sanctions (see Baldwin, 2000b).<sup>43</sup> In 1986, James M. Lindsay attacked the "naiveté" of the research to date and introduced an expanded understanding of possible underlying objectives to the use of sanctions (p. 153). Lindsay lists five possible purposes of the use of sanctions: compliance, subversion, deterrence, international symbolism, or domestic symbolism, and concludes that the success-record is best for the two latter goals. International symbolism in Lindsay's (1986, p. 156) view is about the messages that sanctions send to the rest of the world, for instance stating disapproval, signalling resolve, or protecting a state's prestige. According to the logic of international symbolism, whether sanctions have any substantial effects on the target or not is irrelevant, since the symbolism is inherent to the act (Lindsay, 1986, p. 156). Domestic symbolism perceives the use of sanctions as a means to increase domestic popularity or to face criticisms of its foreign policy (Lindsay, 1986, pp. 156, 168) by responding to a domestic demand for action (Haass, 1997, p. 75). If sanctions touch core values of the sender, and if the sanctions are highly visible to the public, the prospect of domestic symbolism increases (Lindsay, 1986, p. 167). However, this symbolism might also have the adverse effect on domestic support, if the target does not respond to the actions spelled out in the sanctions (Lindsay, 1986, p. 169; cf. Fearon 1997, p.69).<sup>44</sup>

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<sup>42</sup> Nossal underlines that liberal democratic governments are not *necessarily* suitable targets of sanctions. For instance, the United States, he continues, would likely be a hard case for the surrounding world to sanction into compliance. Thus, for Nossal the match between regime characteristics and sanctions outcome is a notable 'coincidence', which together with the target's relation to the sender may say something about the prospect of the success of the sanctions.

<sup>43</sup> Others argue that studying only imposed sanctions cases gives a skewed picture of the ability to induce target change, since economic coercion may work best at the threat-stage (Drezner, 2003; Morgan, Bapat, & Krustev, 2009).

<sup>44</sup> See also Lektzian & Sprecher 2007, p. 415 on the tying-hands effects of sanctions due to audience costs.

The acknowledgment that sanctions had symbolic properties was an important step for the literature. The symbolic elements of sanctions are expressed through different signalling mechanisms<sup>45</sup> and can be about creating positive images of the self or about avoiding negative images (Galtung, 1967, pp. 411-412; Barber, 1979, p. 381). However, Lindsay, Baldwin, Doxey and others, were mainly interested in importing symbols as independent variables, while largely disregarding the actors' own discursive understandings of the symbolism of sanctions. The paradigm continues to be that for which the sender seeks to force the recipient to change through the imposition of sanctions (Giumelli, 2011a; Jones, 2007). To mention one example, Hovi, Huseby and Sprinz (2005) reflect on the meaning of 'successful sanctions' as follows:

What exactly is meant by "successful sanctions"? The definition used in this article is that sanctions are successful if - and to the extent that - they extract political concessions from the target country (p. 483)

[...] [T]here is also a second way in which sanctions might be successful, namely, by making noncompliance impossible" (p. 484)

In a footnote, Hovi, Huseby, & Sprinz acknowledge that "[of] course, there are also other concerns of interest to policymakers in this situation, for example, the sender country's credibility". Symbolism normally enters the discussion on success insofar as it is considered to be an instrument that can make recipients change via processes of 'naming and shaming'. The idea is that recipients would change out of concern for their international reputation. Several authors have discussed the difficulties attached to researching the symbolic dimension: "'Prestige' and 'image' may be hard to measure, but they appear to matter to political leaders and to the public; they are also susceptible to media support, which enhances their influence", expresses Doxey (1983a, p. 85). Lindsay (1986, p. 164) points out that "there are no ready-made empirical indicators" to evaluate international symbolism, and Doxey (1983a, p. 85) also emphasises that "[i]t is not easy to disentangle the symbolic from the concrete in sanctions cases."

This scepticism is of course correct. Symbolism is not readily measurable or quantifiable, from a sender-perspective – "how symbolic an action is" – or in terms of

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<sup>45</sup> For instance image, status, prestige, punishment (see Hill 2003, p.245; Baldwin 2000b, p. 169, and others). Lektzian & Sprecher (2007) list four signalling mechanisms of sanctions: signal of resolve, signal of weakness, signal of importance (of an issue), sign(al) of commitment

impact – “how symbolic the result of the action is”. The symbolist turn to the discussion has relied on rejecting the traditional goals of sanctions – compliance, deterrence, and subversion – as inefficient and/or counterproductive, for which symbolism, by a process of elimination, is considered to be the only reasonable explanation left. While this research has often been analytically interesting, most contributions still take target-related effects as the natural point of departure (cf. Lindsay 1986). In order to determine whether the symbolic features can help us understand the rationale behind using sanctions, we must investigate how symbolism is discursively employed at the moment that actors communicate their sanctions policies. Rosenau has a point when he asserts that foreign policy “involves a degree of manipulation of symbols that is unmatched in any other political situation”, and I believe Lasswell and Kaplan to be right in stating that symbols “serv[e] to set up, alter or maintain power practices” (quoted in Baldwin, 1985, p. 99). This is especially true for sanctions, which define who is a legitimate participant in international politics and who is not, thereby creating “a moral economy of symbolic politics that structures the terms of political competition” (Hurd, 2005, p. 523). This thesis investigates how the positions of actors in the international system are established through the symbolic politics of sanctions: how they position themselves, receive positions or attribute positions to others (Bull, 1977, pp. 10-11).<sup>46</sup>

### **The Policy Advice Paradigm**

While few scholars have taken actors’ discursive understandings of sanctions seriously, many more have worked closely with policymakers. The invention of smart sanctions was the product of intense cooperation between academia and the policy-world (Tostensen & Bull, 2002, p. 373). Growing awareness of the humanitarian price of comprehensive sanctions in Iraq and the increase in number of protests from civil society as well as from within the UN system triggered the rethinking of international sanctions. Already in 1999, George Lopez optimistically wrote about sanctions as ‘surgical tools’ (Lopez, 1999). Between 1998 and 2003 numerous international meetings, seminars and conferences were held within the framework of three ‘processes’ that were all aimed at formulating a new type of sanctions. The first high-level reply was the so-called Interlaken Process, initiated by the Swiss government. In March 1998, Ambassador Rolf M. Jeker, Delegate of the Swiss Government for

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<sup>46</sup> Diez and Whitman (2002, p. 48) see the European Union as a sub-system of the international system, “in which the societal element is stronger than elsewhere”.

International Agreements, welcomed practitioners and academics from more than twenty countries to the first “expert seminar”, which set out to discuss “how to improve the financial sanctions instrument with a view to enhance its effectiveness while reducing unwarranted negative side effects on third countries and on the domestic population in the target country” (Swiss Federal Office for Foreign Economic Affairs, 1998, p. 10). The process introduced the concepts of targeted and smart sanctions, which according to Ambassador Jeker aimed “to target a sick tree in a forest without having to burn down the whole forest”.<sup>47</sup> The Interlaken process was followed up by the Bonn-Berlin process, which focused on design and implementation, particularly of arms embargoes and travel sanctions.<sup>48</sup> The third constitutive process for the construction of targeted sanctions was the Stockholm process, which concentrated on issues of effectiveness.<sup>49</sup> It should be noted that all three processes were closely tied to research institutions: the Watson Institute for International Studies at Brown University, the Bonn International Center for Conversion, and Uppsala University.

Considering the close ties between policy and academia, the quick internalisation of targeted/smart/designed sanctions in political and academic discourse is not surprising. The EU’s formalised sanctions policy has always been one of targeted sanctions, at least on paper, and rhetorical support for abandoning comprehensive sanctions is wholehearted. However, as of 2012 more invasive economic sanctions seem to be gaining ground anew. The comprehensive sanctions packages against Iran and Syria are cases in point (Giumelli & Eriksson, 2011). Moreover, we still do not know if smart sanctions are truly smarter, nicer to ordinary people, or more efficient in terms of making targets change, than traditional sanctions. On the contrary, the individualisation of responsibility that characterises smart sanctions has provoked new criticism with regards to fundamental rights. Furthermore, the research that has thus far been conducted on smart sanctions suggests that the mechanism that is supposed to make targets change (pressure on responsible individuals altering their behavioural calculus) may not be strong enough, or simply does not exist in the way that is theoretically predicted (see Tostensen and Bull 2002, p. 377 and p. 403; Hufbauer & Oegg, 2000).

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<sup>47</sup> The Interlaken process focused on financial sanctions.

<sup>48</sup> <http://www.smartsanctions.de>

<sup>49</sup> <http://www.smartsanctions.se>



It is revealing that none of the contributions listed in the bibliography for targeted sanctions, maintained by Watson Institute for International Studies at Brown University, are written by scholars from, or working in, a target country. Researchers from, or at least with current affiliation to, the United States dominate the literature heavily, together with Swedish and Swiss contributions (Watson Institute for International Studies, 2007). This reflects a generally 'Western'-centric IR, but that is not all. If research on sanctions from targeted countries does exist, it has not been included in the bibliography provided by the Watson Institute. It should be acknowledged that for many of the targeted states, the lack of academic writing might indicate that conditions are not permissive for scientific inquiry. Nonetheless, the bias that stems from the researchers' background, combined with the predominant aim of the research to detect ways of making sanctions 'more effective', ought to be reflected upon. That sanctions constitute a sender's subjective normative positioning does not mean that the sender is morally superior to the target. This places doubt on whether making sanctions more effective should really be a mission for scholars. As D'Amato states (1995, p. 150): "Although sanctions in recent years have been applied for the most part against states that have engaged in conduct that shocks the conscience, we should not assume that morality is always on the side of the sanctioning state and against the target state".

Yet, almost all of the work researching sanctions aims, more or less explicitly to help policy makers render sanctions more effective. The first two editions of *Economic Sanctions Reconsidered* (Hufbauer, Schott, & Elliott, 1985; 1990) are among the most influential books on the topic and propose nine "commandments" to policymakers. The third edition (Hufbauer G. C., 2007) offers seven "recommendations". Many well-known sanctions scholars also have a double affiliation, working not only for a university but also for some thinktank or policy institute, and occasionally are called in to directly counsel governments. In 2001, Meagan O'Sullivan and Richard Haass, writers of widely read books on sanctions and editors of *Honey and Vinegar* (Haass & O'Sullivan, 2000a), started working for Colin Powell at the US State Department, where they played key roles in the development of the smart sanctions doctrine (Talbot, 2003; Lynch M. , 2008, p. 191).

It naturally follows that targets are 'others' to the sender in its sanctions practice; but should this status also be built in to our own research? If the main task of

researchers in sender-countries is to help policy-makers design sanctions that are more forceful in coercing targets to comply, would the same logic apply to sanctions scholars in target countries? In other words, do we regard the main task for sanctions researchers in a target country to be that of coming up with policy advice on how to minimise the impact of sanctions? I doubt this to be true.

In writing this thesis, I have thought about my own position vis-à-vis the study object and how to balance “between being an insider, a participant in the world one studies, and an outsider, observing and reporting on that world” (Thome, 1979, p. 73). Choosing a pure outsider-perspective is practically impossible, as it would make data gathering very difficult and analysis speculative. However, through the way in which questions are posed and the methods used to answer those questions, it is possible to reduce the risk of ‘going native’. In this balancing act, I choose to prioritise public relevance over policy relevance. The task of this thesis is not to provide policymakers with a checklist for how to make sanctions more effective, and the principals of this research are not the political and bureaucratic elites in Brussels, Strasbourg and Luxembourg, but an interested public in and beyond Europe.<sup>50</sup>

## Sanctions behind the Label

A nation that is boycotted is a nation that is in sight of surrender. Apply this economic, peaceful, silent, deadly remedy and there will be no need for force. It is a terrible remedy. It does not cost a life outside the nation boycotted, but it brings a pressure upon the nation which, in my judgement, no modern nation could resist.

Woodrow Wilson, quoted in Nossal 1999, p.28

The primitive sanctions that states used to use against each other according to the retaliation principle, following the Biblical principle, drawn from the Old Testament, of ‘an eye for an eye, a tooth for a tooth’, has been replaced by the excellent mechanism of collective, organised sanctions whereby procedures decide on who may use this mechanism, when and how.

MEP Grabowska (ID 919)

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<sup>50</sup> As little as I side with senders of sanctions do I wish to ally with the targets. This seemingly obvious point needs to be made since some targeted regimes have actively used critical research on sanctions to boost their anti-sanctions campaigns (i.e. Iraq, see Lynch, M., 2008; also Zimbabwe, Iran).

At least since Athens 432 BC, sanctions have provided a means for actors to express disapproval and to pressure others to cease with an undesired behaviour (Baldwin, 1985; Hufbauer, Schott, & Elliott, 1985). Since after the First World War, the (documented) use of international sanctions has steadily increased. Rose (2005, p. 459), quoting Harper's Magazine, claims that "[b]y 1998, nearly half of the world's population lived in countries that were placed under sanctions". The radical changes of the international system after the world wars, in particular the continuous re-interpretation of sovereignty and the norms of non-intervention, have enabled sanctions to become cornerstones of international relations today.

Yet, as illustrated by the quotations above, sanctions have come to imply different things in different periods of history. Today, the foreign policy instrument of sanctions contains a diverse set of measures that has been clustered under this overarching term that range from quasi-comprehensive sanctions to strictly targeted sanctions, including measures against neighbours as well as against distant countries, against individuals as well as regimes. This section searches for the remaining common denominator of this increasingly diverse foreign policy tool. Because sanctions are instruments of both a political and legal character, international relations theory and international law are two natural places to look. In the following section, I consult the predominant definitions of sanctions from international relations theory, and continue by examining the debate on how to regulate sanctions as non-forcible measures in international law.

This section will show that what sanctions are cannot be determined by looking at effects, purposes or the sender's status; these are aspects that should be settled empirically. Moreover, in defining sanctions, we need to acknowledge that they are primarily communicative acts. A measure becomes a sanction through the sender's labelling and in combination with the acceptance of this act of labelling by others. This is important because bringing an actors' self-definitions to the fore does not imply that all actors can simply get 'out there' and start sanctioning according to their own standards. Instead, it is of crucial importance how this self-definition is received by outsiders. Sanctions are a game of the powerful (see table in Hufbauer, Schott, & Elliott,

1990, p. 460) and successful communication through the use of sanctions is not guaranteed, especially for unprivileged actors.<sup>51</sup>

### **Sanctions as Punishment and Persuasion**

For international relations theorists, attempts to capture the essence of sanctions revolve around the meanings that are attached to 'punishment' and 'persuasion'. According to David Baldwin, negative sanctions are "actual or threatened punishments" to be distinguished from positive sanctions, which are "actual or promised rewards" (Baldwin, 1971, p. 23). This common reasoning is analogous to penal sanctions in criminal law. However, we must realise the difference between punishment as effect and punishment as purpose and be aware of which one (or both) we decide to place at the centre of our definition. Does the measure have to cause actual, measurable harm to be a sanction, or is it sufficient that the sender's intention is to punish? And on the contrary, does any measure causing harm qualify as a sanction, even if the sender did not have the intention to punish?

While Baldwin seems to think of punishment in consequentialist terms – actual or threatened infliction of harm – Nossal argues that punishment is the purpose behind the use of sanctions and that retribution "by its very nature, always 'works'" (Nossal, 1989, p. 315). In proposing punishment as the overarching rationale for using sanctions, Nossal challenges the dominant presupposition that sanctions are used in order to achieve effects on targets. In doing so, he also proposes a solution to the puzzle of why actors keep turning to sanctions in their external action in spite of the instrument's poor policy record. If punishment is the goal of sanctions, as Nossal claims, success is guaranteed since harm is always inflicted on the target. Nossal marked a well-needed turn away from the preoccupation with how to best *measure* effects on targets by opening up to alternative rationales for which sanctions are used. However, sanctions do not always inflict harm, even if this is the actor's aim. This depends both on the skilful implementation of the sanction as well as on the sending actor's possession of actual capabilities.

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<sup>51</sup> Even when the UN General Assembly has challenged unilateral sanctions, power politics tend to ultimately overrule legal principles. The continuation of the US embargo against Cuba in spite of repeatedly being judged illicit by the UN General Assembly is one clear case (Bowett 1972, p.4; in White & Abass 2006, p. 523).

Other contributions, however, reject that sanctions are inherently punitive and suggest that sanctions are about persuasion rather than about punishment (Cortright & Lopez, 2002, p. 16). For instance Cortright and Lopez propose that sanctions are best understood as pieces in a wider bargaining game, where the infliction of hardship is a sort of disciplinary measure aimed to bring the target to the negotiation table. Rose (2005, p. 472) sees a ‘bargaining model’ of sanctions as one where persuasion is attempted through a *combined* “carrot-and-stick strategy”, wherein the target is also rewarded for partial compliance. This he contrasts with a ‘punitive model’, which contains solely negative measures that are eased only when the target complies fully. Compliance with senders’ demands is often politically unrealistic, especially when regime change is implicitly or explicitly at stake. Under such circumstances, Rose argues, the target is pushed into a corner and the potential for adaptation is not exploited (see also Hovi, Huseby, Sprinz, Detlef, 2005, p. 484, on compliance with threats of sanctions).<sup>52</sup> Karen E. Smith, on the other hand, places punishment – understood as sanctions – in contrast to persuasion – understood as attempts to influence through cooperation (Smith K. E., 2003, p. 22).

Why all this uncertainty and disagreement? Guzzini (2005, p. 503) finds that “it is often impossible to isolate concepts from the theories in which they are embedded and which constitute part of their very ‘meaning’”. Indeed, punishment and persuasion work as definitional anchors for sanctions only within certain predefined theoretical premises. Sanctions are far from the only policy tool that can be used to create harm, and similarly there is an abundance of political interaction with persuasive intent or effect. Since few measures or policies can claim complete value-neutrality, sanctions defined as persuasion or punishment will encompass a very wide range of external policy practice. Instead, the meaning attributed to notions of punishment, persuasion, and reward in EU discourse on sanctions is a matter to be determined empirically. The thesis takes on this task in two ways: by analysing to what extent these notions emerge in reasons given for using or not using sanctions (‘logics of action’) and by investigating how sanctions relate to other foreign policy tools (‘policy linkages’).

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<sup>52</sup>Rose sees the international sanctions ever since after WWI as adhering to the punitive model. This is equally true for UN, US and EU sanctions (Rose, 2005, p. 471). This is remarkable considering the EU’s insistence on complementarity (more on this in chapter 5).

## Sanctions and Countermeasures

Legally speaking, sanctions belong to the family of “non-forcible measures” – measures that do not involve military force. Different doctrines of non-forcible measures are legally distinguishable according to whom the sender is (international organisation, regional organisation, or state), the scope of the norm violation (owed to the international community as a whole – *erga omnes*, or to a regional/national community – *erga omnes partes*), as well as the temporal reach of the measures (reparation or final harm) (White & Abass, 2006, pp. 518, 520-521).<sup>53</sup> Then external relations (RELEX) Commissioner Benita Ferrero-Waldner emphasised the need to “make sure that our system of sanctions is in itself fully in line with international law” (in EP Debate 2008-09-03; ID 924). In a strictly formal sense, the EU system is not. Yet, this section will demonstrate that in a world of contested international legal norms this may not be much of a problem (see Wiener & Puetter, 2009, p. 3). International law keeps a rather low profile on the issue of non-forcible measures; sanctions belong to a “grey area where regulation is rudimentary, indeed, some would argue, non-existent.” (White & Abass, 2006, pp. 512, 520).

The EU uses two main types of non-forcible measures: *sanctions* against norm violations, where there is no contractual obligation; and *countermeasures* through the conditionality it inserts in its agreements with third states. While countermeasures suspend concrete agreements, the EU’s use of sanctions implies that there is a rupture with ‘normal’ relations (see Zoller 1984, in White & Abass 2006, p. 514).<sup>54</sup> Since its formalisation, the EU has committed to using targeted sanctions. The Guidelines on Implementation and Evaluation (Council of the European Union, 2003b)<sup>55</sup> state:

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<sup>53</sup> Sanctions apart, the most important doctrines of non-forcible measures are countermeasures, reprisal, and retorsion. See White and Abbas (2006) for an excellent overview of these measures.

<sup>54</sup> Similarly, acts of retorsion mark a break with normal relations. White and Abass (2010, p. 537) explain: “Countermeasures could take the form of a suspension of a trade agreement, whereas acts of economic retorsion are based on a State’s freedom to trade or not to trade (or deal more generally with other states)”. However, as suggested by the term – in contrast to EU sanctions – acts of retorsion are a type of ‘self-help’-measures that respond to previous aggression. In principle, the use of countermeasures also requires there to have been previous acts of aggression in order for the actor to avail itself of its right to self-help (Alland, 2002). However, the emergence of countermeasures taken in the name of ‘collective’ or ‘general’ interest stretches this requirement. These are cases where a breach of contractual obligations can justify actions also by states (or international/regional organisations) that have not been directly hit by the violation. The EU’s use of conditionality – for instance through human rights and democracy clauses – in its agreements with third countries clearly falls into this legally stretched notion of countermeasures.

<sup>55</sup> This writing was not included in the 2005 Guidelines (Council of the European Union, 2005, p. 6).

the measures are "targeted measures" in nearly all cases, i.e. restrictive measures that do not affect all transactions of a particular category with a third country, but rather the portion of such transactions which involves a well-defined category of persons and entities.

The closely related instrument of countermeasures counters the logic of targeted sanctions, the moment that aids cuts, cessation of development cooperation, or imposition of trade restrictions can have a profound impact on societies as a whole. These measures tend to be perceived as sanctions by targets and bystanders allied to targets (see chapter 7), and they resemble comprehensive sanctions albeit with a contractual basis.

That the distinction between CFSP sanctions and different types of related instruments is not watertight may be seen in European Parliament debates (ID 886, ID 963, ID 632). For instance, in February 2007, the Parliament debated a Council Regulation proposing the Republic of Belarus' temporary withdrawal of access to the generalised tariff preferences, and opinions diverged as to whether this amounted to a sanction or not (Council of the European Union, 2006b). MEP Paleckis questioned the choice to adopt "this sanction", which he feared would be "a blow above all to the Belarusian people and not to the leaders of the authoritarian regime" (ID 707). The Presidency, however underlined that "this measure is not conceived as a sanction, but rather as a suspension of preferences resulting from Belarus' failure to comply with international labour standards, particularly the right to freedom of association" (ID 705), and the Commission also argued that "[t]he withdrawal of Belarus from the GSP is not an imposition of economic sanctions; it is the withdrawal of a positive unilateral trade advantage given to this country".

EU measures following the 'Cuba Spring' of 2004 were also perceived to be sanctions by opponents to the policy. The following statement by MEP Martinez-Martinez (ID 419) exemplifies the importance of terminology for EU debates on foreign policy measures:

Mr President-in-Office of the Council and dear friend, I am not in the mood for arguing about a choice of words. A few months ago there were certain actions by the Cuban authorities which the European Union reacted to with measures which you thought were appropriate and which I thought were disproportionate, unfair and absurd particularly those adopted in the field of cultural cooperation.

I do not know what you want to call these measures. You say they are not sanctions. I would like to find another word. I do not know if they are restrictions, reprisals, pressure, coercion, cultural blockade as the Cubans themselves say. I would like you to tell us what word we should use so that we can really receive an answer to what we are asking.

## Authority and Recognition

If sanctions are to have the character of legal penalties, their imposition should also have some authorized basis. This immediately compounds the problem at the international level where authority is conspicuously absent (Doxey M. , 1983b, p. 274)

It has been argued that authority, meaning the legal competence to act, is a prerequisite for ‘actorness’ (Jupille & Caporaso, 1998). However, the ambiguities concerning the legal basis of the EU’s sanctions practice call this perspective into question. In the following, I will show that external *recognition* may be more important than legal competence as a prerequisite for ‘actorness’ when it comes to sanctions (see also Allen & Smith, 1990).

By now most agree that UN Security Council Sanctions under Chapter VII of the Charter “raise no issue under the non-intervention principle” (Jamnejad & Wood, 2009, p. 369).<sup>56</sup> The matter is more complicated for the legal legitimacy of non-forcible measures used by individual states or regional organizations. While Jamnejad and Wood (2009, p. 369) claim that non-forcible measures “may be easier to justify politically and legally” [than the use of force] for individual states and regional organizations, there is no legal *carte blanche* to use non-forcible measures. White and Abass (2006, pp. 511, 519) argue that regional organisations are not acknowledged as

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<sup>56</sup> However, the prospect of including economic force in the Art. 2(4) of the UN Charter was raised by the Brazilian delegation during the negotiation of the Charter (footnote 12, Jamnejad & Wood, 2009, p. 340), and the debate is still open on whether the meaning of ‘force’ in Art. 2(4) should be taken to include economic types of coercion (Shaw M. N., 2003, p. 1019). The act of explicitly prohibiting non-forcible coercion as well was found to risk overshadowing, or even work against, the primary goal of prohibiting the use of force apart from acts of self-defence (see Lauterpacht, 1933, pp 130, 140; in White & Abass 2006, p. 522). Instead, the UN closely tied the legality of sanctions to itself, as it was “given significant power to impose on member States obligations to impose non-forcible measures against miscreant member States by virtue of Article 41 of the Chapter “ (White & Abass, 2006, p. 510, also p. 518). This resulted in confusion concerning the relationship between the UN as the “universal organization” and other organisations (White & Abass, 2006, p. 510-511). In other words, the ‘Kadi case’ (Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities, 2008) was not the first time where sanctions had put the dynamics between levels in the international (legal) system to the test.



legitimate senders of sanctions under international law, without the approval of the UNSC.

The degree to which the legality of one of the oldest and most central tools of international relations is unsettled may seem perplexing at first. Yet, the utility of detailed legal international regulation in this field should not be overstated. Sanctions that target countries and regimes have become a conventional means of political communication that the international community has trouble ‘counter-sanctioning’, even when their legality under international law is duly questioned. In the words of Lowenfeld (quoted in White & Abass 2006, p. 522): “sanctions have become sufficiently common – and often better than the alternatives – to have become tolerated (not to say accepted) as a tool of foreign relations”. In the absence of detailed regulation on the conditions for the legal use of non-forcible measures, a *de facto* legality is gradually being established by practice (White & Abass, 2006, p. 512).

Although regional organisations (and individual states) are expected to exhaust the possibility of emitting central UN sanctions, in practice they rarely seek Security Council authorisation prior to action (White & Abass, 2006, p. 521). Moreover, in theory regional organisations only have the right to react to *erga omnes partes* norm breaches, that is to obligations made within the circle of members in the region or other applicable community. EU sanctions normally do not respond to an aggression against the EU or its territory. Instead, the EU justifies its use of sanctions in external relations as reactions against *erga omnes* norm breaches; i.e. breaches of norms that are applicable to the international community as a whole. The EU builds its use of sanctions around a commitment to alleged universal norms and values, and while it speaks of ‘European values’ it is usually assumed that these in principle have universal reach and should also be so in practice.<sup>57</sup>

That the EU’s sanctioning practice is not challenged by the great world powers, in spite of the unclear legal status, underscores the need to understand how an actor’s international identity is constructed relationally. Sanctions offer an institutionalised way to create normative alliances with some actors while expressing distance to others. In this sense, sanctions continue to be an instrument that is more political than legal in

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<sup>57</sup> It should be recalled that “[t]o safeguard the common values, fundamental interests, independence and integrity of the Union” is stated as the first objective of the use of sanctions and restrictive measures (European Commission, 2008a).

character. However, law can make up a convenient rhetorical device for politicians who for some reason prefer not to assume full political responsibility for their actions. The clustering of measures under one common label lends weight to the message communicated, but the actual contents of the legal regulation may be as smooth as clay in the hands of politicians.<sup>58</sup>

### **The New Targets of Sanctions**

Since the semantics of targeted (smart, designed) sanctions has entered into use in the international political scene in the early 1990s, comprehensive packages of trade sanctions have largely become relics for the history books.<sup>59</sup> In their stead, we can observe a generalised individualisation of responsibility through targeted sanctions, and a parallel de-territorialisation of the instrument through the invention of the so-called terrorist lists, where organisations and individuals that do not act in direct connection to a territorially organised political entity (state) have their financial resources frozen. These two tendencies make the evolution of sanctions a proxy for the state of contemporary world affairs.

The 1990s was the ‘sanctions decade’, with packages of measures of unprecedented scale brought against countries such as Haiti, Rwanda, Somalia, and – most notoriously – Iraq (Rose, 2005). The result of this improved capacity to isolate these countries economically was the emergence of humanitarian crises without, however, obtaining target compliance. The shift in meaning revolved in particular around the 1991-2002(3) UN sanctions against Iraq. These constituted the most ambitious package of comprehensive non-forcible measures that the world had seen thus far. Lynch (2008, p. 167) explains the transformation of sanctions as one where “moral argument about the Iraq sanctions generated a new normative environment, along with practical tools for more targeted sanctions”.

Actually, only weeks after *Operation Desert Storm* in 1991, then UN undersecretary general for administration and management Martti Ahtisaari spoke of “near-apocalyptic results upon the economic infrastructure” in Iraq (quoted in Lynch

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<sup>58</sup> This is not only true for the collective EU level, but maybe even more so for powerful Member States, as demonstrated by France’s approval of Robert Mugabe’s participation at the Franco-African summit in Paris, 2003 (see Smith, K. E., 2003, pp. 140-141.)

<sup>59</sup> It is notable that Galtung (1967, p. 381) had already distinguished between sanctions directed against responsible individuals and collective sanctions directed against nations as a whole.

M., 2008, p. 178). Hence, the start point for what was to become a more than decade-long embargo was the comprehensive destruction of the country through the allied invasion and direct economic isolation. By 1994, the Food and Agriculture Organization of the United Nations (FAO) noted “pre-famine conditions”, and five years later a UNICEF report presented “reliable evidence of escalating malnutrition, child mortality and morbidity, illness and the breakdown of the educational system” (Lynch M. , 2008, p. 179).

Although organisations were “traumatized” by what they saw on the ground (and communicated their observations), it took longer for policymakers to modify their positions on the sanctions. As noted by Lynch (2008, p. 179): “the entire point of the sanctions was to inflict pain on Iraq in order to force it to comply with the weapons inspections process”. In that sense, sanctions against Iraq were incredibly ‘effective’. However, rather than generating a public rising against the regime, ordinary Iraqis became “almost totally dependent on the state for survival” (Lynch M. , 2008, p. 177).

Faced with these developments, the UN network of key persons working on Iraq broke down by the turn of the millennium. In October 1998, Dennis Halliday left his post as director of the UN humanitarian mission in Iraq in protest of the sanctions. In 2000, his successor Hans von Sponeck followed suit together with the Head of the UN World Food program, Jutta Burghardt. Moreover, during these years, big demonstrations were organised outside UN headquarters; intellectuals, journalists, and scholars used their pens to call for sanctions to be lifted; and students at the University of Cambridge started a campaign against sanctions in Iraq.<sup>60</sup> Lynch asserts that what he calls “the anti-sanctions network” managed to build up “moral outrage over the sanctions, and at consolidating this outrage into an institutionalised normative and policy change at the United Nations level” (Lynch M. , 2008, pp. 167, 169, 195).<sup>61</sup> This mobilisation broke up international consensus on sanctions against Iraq and eventually led to the abandonment of the comprehensive sanctions doctrine (Lynch M. , 2008, pp. 181, 191).<sup>62</sup>

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<sup>60</sup> <http://www.casi.org.uk/>

<sup>61</sup> Lynch (2008, pp. 167, 183) argues that these “activists”, together with media and international delegations, helped the case of the Iraqi regime.

<sup>62</sup> Already in 1995, Secretary General Boutros Ghali called for UN sanctions to be reformed, questioning “whether suffering inflicted on vulnerable groups in a targeted country is a legitimate means of exerting pressure on political leaders” (quoted in Rose, 2005, p. 468).

There is disagreement as to whether targeted sanctions have fundamentally changed how sanctions work, but most contributions leave this debate on the sidelines.<sup>63</sup> In any case, it is clear that the emphasis on individual responsibility has had important legal implications. While the individualisation of measures has been an attempt to re-establish the moral reputation of sanctions, this has resulted in new criticisms especially from lawyers. During the first years, the EU lacked an explicit legal basis for the use of any type of targeted sanctions against individuals (Cremona, 2009, pp. 77, 80). The Treaty on European Community (Art 60 and 301 TEC), pre-Lisbon, only spoke of the interruption or reduction of relations with states. Political leaders and other individuals with regime affiliation were squeezed in under these provisions, but these last were not deemed sufficient for the use of sanctions against individuals in the counterterrorism framework. Therefore, sanctions against individuals were imposed using the 'flexibility clause' Art. 308 TEC as a complement to Art 60 and 301 TEC (Wouters, Coppens, & De Meester, 2008, p. 193; Wahl, 2010, p. 117).<sup>64</sup> In tinkering with the legal bases, however, the procedural rights of individuals faced with restrictive measures were ignored.

Sanctions can be directed against individuals with regime-affiliation or against individuals found to be engaged in or supporting terrorism. This separation is mirrored in the provision of two legal bases for measures targeting individuals. As stated by the European Commission (2008a), "the legal basis for sanctions will depend on the exact nature of the restrictive measures and the areas or targets covered by them". The Lisbon Treaty created one provision for sanctions with foreign policy objectives (TFEU Art. 215; TFEU Art. 215:2 mentions individuals) and one for counterterrorism under "administrative measures" (TFEU Art. 75) (Wouters, Coppens, & De Meester, 2008, p. 193; European Union, 2010b). Yet, counterterrorism measures directed against *international* terrorism – notably amendments of the original regulation against

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<sup>63</sup> For opposing positions, see Hovi, Huseby, & Sprinz, 2005 and Eckes, 2009a. Eckes (2009a, p. 364) believes that "targeting individuals with sanctions is fundamentally different from targeting political entities", not the least since their effects are so different, insofar as "individual measures amounting to criminal measures". In contrast, Hovi, Huseby, & Sprinz (2005, p. 499) find that "the conditions for smart sanctions to work only after being imposed are no different from the corresponding conditions for comprehensive sanctions".

<sup>64</sup> As a "flexibility clause", Article 308 has allowed the Community to act even in the absence of a Treaty provision "if necessary to attain one of the objectives of the Community". Nonetheless, from their wording and 'normative intention', Eckes (2009b, p. 124; 2009a, p. 362) argues that even Articles 310, 60, and 308 EC taken together do not give the Union the legal right to impose sanctions against individuals. The CFI and ECJ, in contrast, have held that Art. 60 and 301 contained implicit Community objectives, and that Art. 308 brings *effet utile* – ensuring the full effect of these objectives (Wahl, 2010, p. 117).

individuals and entities “associated with Usama bin Laden, the Al-Qaida network and the Taliban” (Council of the European Union, 2002) – continue to be effectuated under Art. 215. It seems that Art. 75 is reserved for terrorism within the Union, whereas the procedure in Art. 215 is preferred for implementing UN counterterrorism sanctions (Eckes, 2009b, p. 123) as well as autonomous counterterrorism measures primarily directed outside of EU borders.

Article 215 TFEU prescribes that sanctions that reduce economic or financial relations with third countries as well as measures against natural or legal persons and groups or non-state entities with regime affiliation shall be taken in a two-step procedure. In the first step, a unanimous CFSP decision by the Council (Article 25 TEU, European Union, 2010a) calling for further action by the Union must be taken (Eckes, 2009b, p. 123). The implementation of that decision only requires qualified majority and is made in a joint proposal from the High Representative and the Commission (Gosalbo Bono, 2011, pp. 19-20).<sup>65</sup> For these measures, the European Parliament is not involved but has the right to be informed (Wouters, Coppens, & De Meester, 2008, p. 193).

The continued use of the CFSP-provision for some counterterrorism measures has created inter-institutional friction as to where to draw the line between the Area of Freedom, Security and Justice (AFSJ) and the Common Foreign and Security Policy (CFSP). The European Parliament contests the use of article 215 (CFSP) for counterterrorism sanctions, and argues that only article 75 should be used (Van Elsuwege, 2011). Because Art. 75 implies the adoption of measures through ordinary legislative procedure, the Parliament would be consulted.

Other than criticisms of the weak Treaty support for individual sanctions, legal critique has also concerned the disrespect of the procedural rights of individuals. While this issue is far from being settled, both the EU and the UN have taken steps to correct the most blatant procedural defects in the sanctioning of individuals. By December 2011, the Council states: “Restrictive measures must respect human rights and fundamental freedoms, in particular due process and the right to an effective remedy in full conformity with the jurisprudence of the EU Courts” (Council of the European Union, 2011a, p. 3).

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<sup>65</sup> Prior to the Lisbon Treaty the Commission alone made these proposals.

In 2007, the EU revised its listing and de-listing procedures (Council of the European Union, 2007b; 2007c). Since then, these have been supplemented and reviewed on several occasions. After Lisbon, listing and de-listing proposals can be made by either the Member States or by the European External Action Service (EEAS) (Council of the European Union, 2011a). Moreover, discussions regarding procedural improvements are still on-going and take place mostly in the Political and Security Committee (PSC), chaired by the External Action Service (EEAS), as well as in the Sanctions Formation of the Foreign Relations Councillors Working Party (RELEX) (Council of the European Union, 2011b).<sup>66</sup>

Since 2007, the decisions and regulations should “in principle” include reasons for the listing of each individual (Council of the European Union, 2007d, p. 2). Initially, these justifications solely concerned instances of assets freeze (Council of the European Union, 2007b, p. 3; 2007c, p. 4), but now in principle they include all measures directed against individuals (Council of the European Union, 2011a, p. 5). These reasons should be phrased “as concisely as possible”, which normally means that they state in what capacity the person is being targeted (Council of the European Union, 2007e, p. 4).

Provided there is a known address, individuals are notified, in a letter from the Council, of their listing, of their right to request a review, and to challenge the decision before the General Court. If there is no known address, this information is published in the Official Journal (Council of the European Union, 2007c; 2007d; 2011a, p. 6). The Foreign Relations Councillors Working Party (RELEX) drafts replies to any requests for review, which then go through the COREPER and normally end in a dismissal of the individual’s complaint (Council of the European Union, 2011b). The individual, however, may apply to national authorities to have frozen funds released for special reasons (Council of the European Union, 2011b).

Sanctioning individuals or other non-state entities without regime affiliation is an expression of the counterterrorism focus of security policy that has taken place since the turn of the century. This raises the question as to whether these measures can be analysed within the same framework as the bulk of sanctions, which remain focused on territorially attached regimes, regardless of whether they increasingly target ‘those responsible’ rather than whole populations. As is clearly illustrated by the on-going

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<sup>66</sup> Of relevance for restrictive measures in the counterterrorism framework is the Working Party on Terrorism (international aspects) (COTER), established 28 June 2007 (Council of the European Union, 2007b).

debates in the EU, there is room to interpret where foreign policy objectives stop and internal security begins. I argue that it is appropriate to include all measures taken under Art. 251, because they are deliberately presented as carriers of foreign policy messages. Moreover, the distinction between regime-connected and freestanding entities may become out-dated as political realities change.<sup>67</sup> As one case in point, the EU's policy shift after Hamas' victory in the January 2006 Palestinian Authority elections testifies how a counterterrorism sanction can become a very sensitive foreign policy issue in the event the status of a listed actor changes.<sup>68</sup> In the case of Hamas, it went from being a non-regime-affiliated 'terrorist organisation' under sanctions to being the ruling party of an isolated (and short-lived) government. In spite of the EU's efforts to redirect aid and strengthen support of the Fatah presidency, the isolation of the government was perceived by many to be sanctions against the Palestinian territories as a whole.

### **The Common Denominator**

Just as most other social phenomena, sanctions are impossible to physically identify, touch, or depict in objective terms. There are theoretical limits to what can reasonably be called a sanction, but these limits are too nebulous to satisfactorily capture political realities. The field is terminologically fuzzy and there is weak discriminatory power between the various concepts. This is not very surprising if we understand that legal rules are rarely unequivocal, but receive their meaning through intersubjective interpretation (Kratochwil, 1989). I propose that the key to understanding sanctions, is precisely to look into what actors themselves choose to call a sanction, to analyse how such self-definitions relate to other policy tools at hand, and to examine how they are received by others. Accordingly, the meaning of sanctions is not fixed or self-explanatory, but is constructed by an actor's deliberate choice to cluster some

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<sup>67</sup> It should also be recalled that it was the change of political realities in the other direction, when the Taliban lost rule over Afghanistan, that gave rise to individualised sanctions in the first place (Francioni, 2009, p. 21).

<sup>68</sup> The inclusion of Hamas in its entirety in the terrorist list (previously the EU distinguished between a militant and a political branch) took place three years before the election, when the organisation was already an important actor in the territories. However, it had no claim to democratic legitimacy and was not expected to win the first legislative elections, which were deemed unanimously to be democratic. Many interpreted the isolation of the Hamas government after the elections as blatantly hypocritical, considering that the EU had pushed very actively for elections and had not objected to the organisation's participation. A month before the elections (19 December 2005), then High Representative for the CFSP Javier Solana declared: "The decision as to who is entitled to participate in Palestinian elections is entirely a Palestinian one, according to the laws of the Palestinian Authority. I do not want to interfere. The EU does not oppose the participation of Hamas or any other organization in the elections" (Solana, 2005).

measures, but not others, under this particular label and institutional umbrella. These measures are then usually institutionalised by the actor into legally binding forms.

Clearly, the use of sanctions is subject to legal and political procedures, and carries both political and legal implications. However, as these procedures and implications enter into practice, they may be interpreted in very different ways by different actors present in the intersubjective space of international relations. Hence, ambiguity is reintroduced. Consequently, sanctions tend to vary between contexts and do not correspond to any unequivocal theoretical definition. In conclusion, the systematic clustering of some measures, and exclusion of others, under the sanctions label is noteworthy both in terms of their political and legal implications and as a communicative act in and of itself. As we have seen in the previous section (pp. 45-48), especially targeted sanctions have created important legal dilemmas with far-reaching consequences for the individuals under sanctions.

To determine the relevant empirical universe of this thesis, I build on Ken Nossal's understanding of sanctions as "a public expression of the community's moral disapproval of the act" (Nossal, 1989, p. 306). This minimalistic definition is consistent with the meaning in use not only by the EU but also more generally of senders of international sanctions. However, the minimalist nature of this definition makes it excessively inclusive for the purposes of this thesis. A range of external actions – from demarches and other public diplomatic measures, to suspension of aid or trade privileges within the framework of contractual conditionality, to active involvement in military operations – share these features. The scope of application of this definition is therefore narrowed down by adding two premises: that measures need to be institutionalised – i.e. made part of a formal policy package – and that they are not imposed against contractual breaches.<sup>69</sup> Thus, for the purposes of this thesis, (negative) sanctions are *institutionalised non-contractual measures with which a political community openly expresses disapproval of the behaviour, actions, or being of others*. According to this view, sanctions are communicative acts that mirror where the actor-sender draws its 'limits of toleration' in international affairs (Rawls, 1993; see also Hoffmann, 1967, p. 144; and Lindsay, 1986, p. 166).

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<sup>69</sup> As a reminder, contractual measures are *countermeasures*, in the EU's case, primarily the suspension of aid or trade when a conditionality clause is breached. Sanctions often include reference to legal obligations of the target, yet they do not suspend specific clauses that the target has directly agreed to with the EU.



Insofar as sanctions are considered to be institutionalised measures, the operational definition for this thesis corresponds to what the EU calls “sanctions or restrictive measures with a CFSP-dimension”. I purposively adhere to the study object’s own delimitation of sanctions and their distinction from other forms of negative conditionality. As social phenomena, sanctions cannot be properly defined exogenously, but acquire their meaning through discursive agreement. Some layers of this social construction go very far back and have been continuously reaffirmed over time. These are the core definitional aspects that are no longer thought of as having once been intersubjectively agreed upon. Other aspects continue to be contested. Suspension of aid in the name of contractual conditionality is often perceived to be a sanction by the targets. Yet, it rests on a separate institutional framework and is not a sanction in the eyes of the EU. To speak of the social construction of sanctions therefore obliges one to “come up with the contextual understanding that underpins and governs the field and study the use of this concept in actual practice” (Kurowska & Kratochwil, 2012, p. 95). To live up to this, we need to unveil the contents behind the EU’s use of the sanctions label, and gain awareness of the limits of sanctions as an institution in EU foreign policy.

I find that the meaning in use of the concept of sanctions corresponds fairly well to the above-mentioned measures that are institutionalised as having a CFSP-dimension. Even as we delimit the corpus to those measures that the EU itself defines as sanctions, it remains a multifaceted policy tool. We can fairly assume that the inclusion of a rather diverse bundle of measures under this common label is not random but deliberate. In other words, the selection of measures is already an act of communication that carries a substantial message that will be deciphered in more detail in the following chapters. Making this delimitation also allows for comparison across different types of negative conditionality, as well as between sanctions and positive measures.

The concrete measures in the policy package of EU sanctions range from directed embargoes on certain goods (arms, oil, diamonds, timber) to travel restrictions, ruptures of political contacts and freezing of financial funds, from chains of measures in a holistic spirit to very specific responses to very specific norm breaches; most are implementations of UN Security Council measures whereas others are autonomous EU

sanctions<sup>70</sup>; and finally the targets can be grouped into countries, individuals associated to regimes, terrorist organisations and individuals associated with terrorist organisations.<sup>71</sup> All sanctions in the EU regime should have a “CFSP-dimension”, but the so-called terrorist lists also overlap with the old third pillar idea of justice and security for internal purposes. This heterogeneity within the sanctions package means that different measures can potentially be connected to different logics of action. In other words, the use of sanctions is not in itself an *expression* of a particular type of legal, political, or institutional identity, which would beg the question as to how sanctions shape the EU as an international actor.

In this section I found that the theoretical definitions proposed by the legal and political scholarly literature fail to account for the social construction of sanctions. At the same time this very inconclusiveness point at the need to consider the meaning in use of sanctions for different actors. The emphasis on discursive meaning should not be taken to imply that the institutionalisation of sanctions through political procedures and legal regulation is unimportant. On the contrary, the operational definition of this thesis – as mirrored in the analytical framework and consequently in the empirical chapters – requires that the discursive meaning of sanctions is *institutionalised* to some degree.

## Summary and Plan of Thesis

In this chapter, I have argued that we should reconsider the *sui-generis* claim of the literature on the EU as an international actor, to instead focus on empirically investigating how the Union’s international identity is constructed at the crossroads between how the Union understands itself and how others actors perceive the Union. This thesis offers an approach to study the identity of the EU as an international actor through sanctions, an expression of the EU’s foreign policy that is continually gaining in importance. As institutionalised measures with which actors openly express dissatisfaction with the behaviour, actions, or being of other actors, sanctions are communicative acts the meaning of which takes form in relation to both targets and bystanders. The empirical backdrop of sanctions provides an exquisite empirical setting

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<sup>70</sup> Whereas autonomous sanctions are given particular attention in EU discourse, the data includes discussions also on UN sanctions and the EU’s role in initiating or implementing those.

<sup>71</sup> There are early but vivid discussions about whether the sanctions targeting individuals might be expanded beyond the counter-terrorism framework, to include, for instance, organised crime, piracy or environmental polluters.

for studying the characteristics of the EU as an international actor. Studying sanctions counters the bias in current EU actorness literature towards positive measures, and underscoring the importance of other actors for identity formation inhibits any temptation to take the EU narrative for granted. Finally, by prioritising public relevance over policy recommendations, the thesis challenges what is at times a symbiotic relationship between researchers and study objects; be it the EU or senders of sanctions in general.

All this will be done in the following seven chapters, out of which five offer empirical studies. *Chapter 2* delineates the framework that will be used for investigating both self-understandings and perceptions for the EU and the AU. It makes an action-centred argument about identity formation, and specifies four dimensions for analytical use: logics of action, autonomy, volume, and policy linkages. *Chapter three* is devoted to the first dimension: logics of action. The chapter analyses patterns in how EU policymakers justify their positions on sanctions, focusing on whether sanctions are understood to be instruments for changing the target, for creating the self, or habitual reactions to certain predefined situations. *Chapter four* focuses on the internal and external autonomy of the EU as a sender of sanctions. Here the role of individual Member States for the sanctions policy is studied, as well as how the EU reasons over its use of sanctions in relation to other actors. *Chapter five* makes a robustness-check of the previous chapters about the EU's self-understanding. The chapter is split into a section about the volume or importance of the sanctions policy, and a section about policy linkages made between sanctions and other external policy tools. *Chapter six* introduces the African Union as a bystander to the EU's use of sanctions. It briefly recounts the transformation of the Organisation of African Unity (OAU) into the AU and outlines the three different roles in which the AU currently encounters the EU's sanctions policy. *Chapter seven* alternates the AU's perceptions of EU sanctions with the AU's self-understanding as an emerging actor in sanctions. The chapter unveils not only a discrepancy between self-understanding and perception, but also between the bases of the respective sanctions doctrines. *Chapter eight* summarises the most important findings and draws some preliminary conclusions from the study as a whole; it also proposes three directions for future research.



## 2. TOOLS

In chapter one, I introduced the debate on what kind of actor the EU is in the world. I explicated why the sanctions policy is an excellent empirical setting within which to study the construction of the EU as an international actor. I also argued that we need a sender-sensitive notion of success, which is capable of acknowledging the symbolic properties of sanctions. In addition, I looked behind the sanctions label in order to define the universe of applicable cases for the thesis. In this chapter I build an analytical framework with which to answer the question of how the use of sanctions shapes the EU as an international actor. The framework is anchored in three arguments:

- (i) the central characteristics of an actor express themselves through the logic, volume, and autonomy of the undertaken action;
- (ii) the identity of an international actor is constructed at the intersection between (competing) self-understandings and the perceptions of other actors; and
- (iii) policy linkages between sanctions and other foreign policy tools show how the use of sanctions constrains or enables the EU as an international actor.

Table 2.1 below depicts the two layers of the analytical framework. By investigating the EU's self-understanding as a sender of sanctions together with the perceptions other actors have of EU sanctions, we are able to extract a significant aspect of what the EU is as an international actor; namely that part which is made up by the sanctions policy. However, sanctions are not isolated from the rest of the EU's foreign policy arsenal. Rather, the use of sanctions spills over into other external actions of the EU, and not only into actions belonging to the classical foreign policy domain. By considering the policy linkages between sanctions and other expressions of external relations and analysing whether actors external to the EU perceive policy linkages in the same way, we take the final step toward answering the question of how the use of sanctions shapes the EU as an international actor.

Table 2.1: The Self and the Others

<b>HOW DOES THE USE OF SANCTIONS SHAPE THE EU AS AN INTERNATIONAL ACTOR?</b>		
A. What image does the EU have of itself as a sender of sanctions?	LOGICS OF ACTION VOLUME AUTONOMY	What perceptions do external actors have of the EU as a sender of sanctions?
B. How does the use of sanctions shape the EU's self-image as an international actor?	POLICY LINKAGES	How does the use of sanctions shape the perceptions of external actors of the EU as an international actor?

I begin this chapter by making a distinction between passive and active identity formation through sanctions. I move on to substantiate why we should investigate modes of reasoning regarding action and non-action, both in the EU's self-understanding and in the AU's perceptions, in order to better understand the Union as an international actor. I then present three ideal-typical logics of action, the role of which in EU justification of sanctions will be mapped out in the empirical study. Next, the other two dimensions of the EU's identity as an international actor are introduced: volume and autonomy. I go on to show how the thesis locates the use of sanctions in the wider external action of the EU by further developing the aforementioned discussion regarding policy linkages. Finally, I turn my attention toward the targets and bystanders, who contribute indispensably to the construction of the EU's international identity.

## Sanctions as Constitutive or Purposive Identity Formation

As is indicated by the verb “shape”, around which our research question is built (how does the use of sanctions *shape* the EU as an international actor?), the thesis investigates the character of what is a presumed influence that sanctions have on the EU as an international actor. That there is a connection between sanctions and what the EU is as an international actor is obvious in the sense that sanctions are a part of the Common Foreign and Security Policy (CFSP). The pre-Lisbon Treaty spoke of the CFSP tools with which the EU would be able to “assert its identity on the international scene” (European Union 2002, TEU Article 2). With Lisbon, this writing was modified to: “reinforcing the European identity and its independence in order to promote peace, security and progress in Europe and in the world” (TEU preamble, European Union, 2010a).

The claim that foreign policy is of importance for external identity formation has also been made by Risse & Grabowsky (2008) and Diez (2004; 2006).<sup>72</sup> The implications that the use of sanctions has for the EU as an international actor go beyond the practical fact that they are part of the CFSP. Since this thesis is about the EU as an international actor, the study is not limited to the role that the sanctions policy plays for the CFSP, but considers the wider bulk of EU external relations (see White B., 2004 on the advantages of a generous foreign policy concept).

I argue that sanctions matter for the EU’s identity as an international actor regardless of how the EU feels about it. This amounts to what can be called “constitutive identity formation” through sanctions, and which involves the symbolic messages of sanctions and how they are received by targets and bystanders. In contrast, it is an open question as to whether the sanctions policy is also a purposive identity formation strategy. For this to be the case, the Union would have to consciously attempt to create itself through the use of sanctions (Bretherton & Vogler, 2006; Webber, Croft, Howorth, Terriff, & Krahmann, 2004, p. 23). This corresponds to one of three proposed logics of action that this thesis puts to empirical test.

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<sup>72</sup> Clearly, the extent to which external policy feeds into EU internal identity – in the sense of a “community spirit” – is more controversial. Pfetsch (2001, p. 128) argues that “the CFSP can become a legitimiser or identifier through its policy success. But success is, so far, not something that can be affiliated with the present European foreign policy”.

The task of the thesis is to determine what type of contribution the use of sanctions brings to the EU as an international actor (see Elliott, 1998). In the following chapters, uncovering the logic, volume, and autonomy of EU action gives us basic indicators of the Union's self-understanding as an actor when considering sanctions (Balli, 2009; Jørgensen, 2004; Larsen, 2004). The discursive positioning of sanctions in relation to other external foreign policy tools (policy linkages) enables us to capture their imprint on the EU's identity as an international actor.

As was emphasised in chapter one, no actor is entirely master over the formation of its own identity. Just as an individual's friendly-made joke can be interpreted as an insult or shyness as arrogance, there is no guarantee that the self-image of an actor – as channelled via its declared logic, volume, and autonomy of action – will be embraced or even accepted by others. Individuals become who they are through their interaction with others, and the same goes for political actors. In Wendt's (1999, p. 227) example, it is not enough to self-define as a professor in order to become one: this *role identity* also has to be recognised by students and by the social structure we know as academia. This mutual constitution applies equally for other professional roles – comedians, physicians and politicians to mention a few – as well as for non-professional roles: who is a nerd, who is a punk, who is a brat, and who is an intellectual. Similarly, the EU does not become a force of good, or a 'normative power' (Manners, 2002), simply and solely by repeating this label in its own discourse. This is why I bring the African Union's perceptions into the picture, and investigate those along the same dimensions as for the Union's self-understanding: logic, volume, and autonomy of action, as well as policy linkages.

## Under the Skin

Men acquire a particular quality by constantly acting a particular way. We become just by performing just actions, temperate by performing temperate actions, brave by performing brave actions.

Aristotle

According to Aristotle, character is revealed through action. In this thesis, we must get in under the skin of the European Union to reach a deeper understanding of what characterises this evolving *dramatis personae* when it acts on the international scene



(Bretherton & Vogler, 2006). There are different ways to proceed in this endeavour. Many would begin to look for ready-made material indicators of the Union's external presence, for instance statistics on how the European industries and industries of targeted countries are influenced by the existence of a sanction, or patterns of decision-making within the Union. Both material and ideational factors, through the influence that they have on actors' self-understandings and their perceptions of each other, are important for identity formation (Christiansen, Jorgensen, & Wiener, 1999; Sedelmeier, 2001). However, to answer the question of what characterises the EU as an international actor, evermore fine-tuned measurements of the material performance of external policy are able to tell only parts of the story. It is obvious that human, military, economic, and natural resources matter for, and to a considerable extent precondition, an actor's emergence on the international stage. In consequence, treating "guns and butter" as independent variables in and by themselves is not particularly enlightening (see p. 67).

I chose another route, which parallels the procedure we usually use to get to know someone. Although the Union is not a person, when it comes to identity formation the questions we should ask are the same (see Wendt, 2004). From where do we start when we want to get to know someone? I would suggest that we normally start by learning about some simple background characteristics, for instance physical attributes such as gender and age. These can be analogously translated into the institutional constraints that an actor works within. Being a woman or a man, old or young, physically fit or disabled all count toward how we are perceived by others around us, and thereby impose constraints and opportunity structures for our self-realisation (see Wendt, 1999, pp. 225ff.). Similarly, the superficial fact that 27 geographically connected, economically relatively well-off, and by most definitions considered democratic but otherwise diverse, nation states are supposed to make policy together in the EU profoundly conditions the EU as an actor profoundly.

These ontological qualities are already known pieces of background information about the Union, just as in most cases their equivalents would be readily perceivable about the individuals we meet. Yet, we do not know a person simply by being aware of his or her gender, age, or socio-economic status. Instead, if we are interested in whom someone *is*, in most societies it is relatively commonplace to continue by asking what he or she *does* in life. Knowing a person's professional or other activities provides some

rudimentary information about who that person is. Life is, in the end, a restricted collection of time to spend, and how this time is spent is an indicator of whom each living creature is. Similarly, to 'get to know' the European Union as a world actor it is appropriate to turn one's attention toward what the EU does externally. As I described in chapter one, the Union engages in a wide range of external activities: from giving humanitarian aid to setting up development projects, negotiating trade agreements, sending troops to fight pirates, and much more. Already knowing that the Union is engaged in this range of activities enables several conclusions to be made about the EU as an international actor. We are aware that the Union makes its presence known in most corners of the world, that it has considerable resources to spend, and if we study its external dealings over time we will also find that its spheres of action have been in constant expansion since the cooperation's inception. However, there are many international actors that trade, give humanitarian aid or carry out military operations. We will not be able to find out whether or not the Union is similar to or different from other actors with similar activities solely by looking at the range of actions taken by each. Likewise, simply knowing a person's professional or non-professional activities is not enough to really know that person. It is only the moment when we find out *why* people do what they do that we get beneath the surface and get a glimpse of their inner characteristics, their personality. Consider the emphasis that is placed on culpability in criminal law. When a court rules on a criminal act, it is not only interested in the factual circumstances, whether the accused can be causally connected to the act and found guilty, but also in the reasons why the act was committed. No legal maxim has been more influential than Sir Edward Coke's (1552 –1634) '*actus non facit reum nisi mens sit rea*' - "the act does not make a person guilty unless the mind be also guilty" (Levitt, 1922-1923; Chesney, 1938-1939). For some courts, "the intention to commit the crime is the essence of the crime" (Levitt, 1922-1923, p. 96). In the same way, considering only the output of the EU's external relations machinery does not tell us the whole story of what the EU is as an international actor. Instead, we have to take a step further and look at the reasons that underpin EU action, including whether and in which direction a particular action is intentional.

In the following figure this point is made using a simple example:

Figure 2.2 : Dialogue about Professional Choice

- So, what do you do in life?
- I am a teacher
- Why did you choose this profession?
- (a) The pay is not bad, and I enjoy the summer break
- (b) I wanted to help the kids get ready for life
- (c) My elementary school teacher was my first idol and I wanted to become like her/him
- (d) My parents are also teachers and it was expected of me to follow in their footsteps

These replies express varying degrees of agency, instrumental calculus, and importance of tradition that go into making the choice to become a teacher. The first reply, which appreciates the pay and the holiday season (a), testifies to an element of instrumental calculus wherein these two aspects are perceived to be benefits of the profession. To choose a profession on this basis signals a high level of agency and a clear idea of purpose. With regards to the EU, this corresponds to the use of sanctions for an interest-motivated purpose, here understood to be attempts to change targets because they – or their behaviour – are perceived to be a threat. Changing the target out of one's own interest is the first half of logic of action 1.

To answer that you became a teacher out of desire to help the kids (b) is a type of reasoning that goes beyond pure self-interest and rather strives for the altruistic achievement of a higher value: the well-being of the pupils. As a logic of action in the use of sanctions, this corresponds to the attempt to change others in order to reach the higher goal of promoting certain norms, i.e. the second half of logic of action 1.

Those who become teachers out of inspiration from a childhood idol (c) have a certain, specific idea of what it means to be a teacher, which they themselves strive to become. In other words, the choice here is more than a choice of profession, it is a choice of an identity. This is also a highly purposive reason that is characterised by a high level of agency. For our study object, the parallel logic of action would be the use of sanctions for purposes of identity formation, i.e. the logic of action 2 described below.

It is well-established that family traditions may condition choice of profession (d) (Chope, 2005). When this is the case, agency is low, since in the ideal case there is no substantive conscious reason behind the choice. Instead, the choice of profession can be said to have been made path-dependently. In the case of the EU, this would correspond to a logic of action that is low on purpose, where sanctions are used

mechanically and follow long-established habits. This prospect is further developed in logic of action 3, 'habitual sanctioning'.

It is true that "[t]he personal realm or private mind of others is ultimately inaccessible, and thus we always have to attribute motives and meaning" (Friedrichs & Kratochwil, 2009, p. 704). Therefore, I would expect some of those who have become teachers for the long summer breaks to give the more politically correct answer, "I want to help the kids get ready for life". Naturally, the same goes for political actors, who have incentives to over-emphasise the characteristics of altruism and empathy over interests and tradition as their reasons for action. However, we can qualify our attributions by investigating the extent to which the "internal accounts of those being studied" correspond to the perceptions of outsiders (Friedrichs & Kratochwil, 2009, p. 704). This is also valid for the macro-level of external identity that we speak of in this thesis. As argued by Kølvrå (2012), an identity always has to be performed, and "such performance is never an exact replication of the discursive framework of meanings that it enacts". Performed identities require an audience, and it is against the assessment of these performed identities that the discursive representations may be tested (Adler & Pouliot, 2011, p. 7). This is done, here, by contrasting the EU's self-understandings with the AU's perceptions of the EU.

In sum, if we are to understand what kind of actor the European Union is, we must begin by understanding how the European Union understands itself. Only, the examination of the actions themselves is not enough to understand an actor. Instead, "the notions the actors have about their actions do matter" and "cannot be left exogenous to the descriptions and explanations of actions." (Kurowska & Kratochwil, 2012, p. 89, see also Jørgensen, 2004; and Smith K. E., 2003, p. 14 on the importance of objectives for EU international identity). This means that one must analyse the use of the foreign policy instrument of sanctions through "the interpretations that actors develop on their own world" (Hall, 2003, p. 390). The reasoning behind the sanctions policy and how the actor relates the use of sanctions to other tools of external policy is the constitutive core of the EU's self-image as a sanctioning actor.

## Logics of Action

The ideal type of meaningful action where the meaning is fully conscious and explicit is a marginal case.

Max Weber, 1964, p. 112

Logics of action indicate why an actor acts in a particular way and are therefore crucial for our understanding of the political and social world. Max Weber's four logics of social action remain obligatory points of reference for this endeavour. Weber (1964, p. 115 ff.) made a distinction between (i) *Zweckrationalität*, which corresponds to a purposive or instrumental rationality, (ii) *Wertrationalität*, which is the rational orientation towards a value, and solely that value, (iii) affectually (emotionally) orientated behaviour, which is an uncontrolled reaction to external stimulus, and finally (iv) traditionally oriented behaviour, which is formed by habits. Just as for the life choices discussed above, the degree of agency (or rationality), and thus the capacity for purposive action, varies between the categories.

Contemporary social science has reformulated and reinterpreted these logics in numerous ways. Different attributions of meaning and estimations of rationality, agency, values and interests result in the logic of consequences, of calculus, of appropriateness, of expressiveness, of communication, of arguing, of practicality, and of habit. As with most classifications, the borders between different logics of action have uneven edges, not the least due to different interpretations of their constitutive concepts. Kornprobst argues that "logics of action are better understood as overlapping horizons than incommensurable paradigms" (2011, p. 71). However, even horizons need to have certain features that are separate in principle from others in order to be analytically relevant. In the scope of this work, I cannot do justice to the rich, multifaceted debate regarding different logics of action in theory and practice. My more modest aim is to underline which distinctions are relevant for the purpose of this study and which can be left on the side-lines.

This thesis studies the EU's and the AU's discourses on sanctions, and their perceptions of one another when it comes to their respective use of sanctions. It argues that discursive self-image and the perceptions of others are essential components of an international actor's identity. In particular, I focus on arguments about sanctions in European parliament debates, in communications from the African Union and in African

media reports. The emphasis on discourse goes together with a conception of sanctions as communicative acts, which aside from the strictly material impact that they have on target states also send normative messages to both targets and bystanders.

From the outset, these aspects have strong affinities with two more recently developed ‘logics of action’: Vivien Schmidt’s logic of communication and Thomas Risse’s logic of arguing. Yet, for reasons that I will discuss now, these theoretical propositions do not match the specific purposes of the thesis. Schmidt looks at the confines between a norm-based logic of *appropriateness*, an interest-based logic of *calculus*, and a history-based logic of *path dependency*, all of which she subsumes under a rule-following logic. She then adds her own contribution: a logic of *communication*, which describes “discursive abilities” and allows for agents to have a larger role when engaging with institutions (Schmidt, 2008, p. 314; cf. Albert, Kessler, & Stetter, 2008, p. 54). Schmidt’s logic of communication draws closely on Risse’s (2000) logic of arguing, which similarly defies “the [rational choice] assumption that actors hold fixed interests and identities during the process of interaction” and “brings agency back in to the logic of appropriateness”.

Risse and Schmidt present the discursive or argumentative process as a separate logic of action. Both Risse’s logic of arguing (or truth-seeking) and Schmidt’s logic of communication draw on Habermasian ideas of deliberation and the transformative role of public debates. However, whereas Risse makes a distinction between persuasive arguing and strategic bargaining, Schmidt (2008, p. 312) argues that they are usually simultaneously present.

While discourse is clearly of importance for the study of politics in a number of ways – especially as a channel and engine for political messages – for the purposes of this thesis, I am not convinced that it is meaningful to speak of “constructive discourse about ideas” (Schmidt, 2008, p. 316) or “argumentative persuasion” (Risse T. , 2000) as a distinct logic of action. Instead of focusing on the discursive process as a logic of action in itself, I conceive discourse to be the way in which the applicable logics of action are expressed. This does not preclude that argumentative persuasion might be able to explain – for instance – why specific sanctions cases materialised while others did not. This is not, however, a question that this thesis engages with. In addition, there are some methodological obstacles involved in investigating argumentative persuasion. Deitelhoff and Müller found it hard to disentangle the influence of “the better

argument” from other factors and concluded that the idea of authentic persuasion is “a theoretical paradise that is empirically lost!” (2005, p. 177). Apart from the problem of operationalisation, the issue of access is central. If there is a process of argumentative persuasion going on, it happens behind the closed doors of Council meetings or unofficially in the corridors of EU institutions. Thus, without access to Council deliberations or extensive participatory observation, it is difficult to determine to what extent argumentative persuasion plays a role in the policy outcome. Neither the official documents nor even the parliamentary debates under scrutiny in this thesis are of the character where we can expect argumentative persuasion to emerge. Obviously, official documents mostly represent policy outcomes. The minutes from the RELEX sanctions formation give occasional hints of existing disagreements between Member States. In addition, the amount of classified information in the reports from the RELEX sanctions formation shows the reluctance to expose discussions leading up to the final decisions, whether they take shape as strategic bargaining or as argumentative persuasion. This is in line with Schmidt’s (2008, p. 313) expectations:

The highly compound European Union, by comparison, has the weakest of communicative discourses as a result of the lack of an elected central government – and its dependence on national leaders to speak for it – and the strongest of coordinative discourses, thanks to its highly complex, quasi-pluralist processes and quasi-federal structures.

Instead of framing the analysis in the highly abstract and partially overlapping terms offered by the four most influential logics of action (consequences, appropriateness, arguing, habit/practice) I wish to present operational categories better fit to the purposes of the empirical analysis of the thesis. Therefore, I create a separation between (1) a logic of action, where sanctions are being used to make the *target change*, (2) a logic of action, where sanctions are being used for *identity formation* purposes, and (3) a logic of action, where sanctions are used because the Union has the *habit* of turning to sanctions in certain situations.

The first two logics of action posit that a purposive calculus lies behind the sanctions practice. Without adhering to rational choice assumptions of fixed preferences and objective interest (in Schmidt, 2008, p. 23), or consistency (in Allison & Zelikov, 1999, p. 17-18), this means that these two logics assume that the action is not a random output but has been decided on after consideration of how a desired purpose

can best be reached. Thus, these logics of action connect to the standard view of politics as purposive behaviour, “i.e. activity oriented toward some end, goal, objective, or aim” (Baldwin, 1985, p. 16; Allison & Zelikow, 1999, p. 39). Depending on context, these purposive considerations will resemble more or less the ideal types of a logic of consequences and a logic of appropriateness (March & Olsen, 2004). However, the ‘proportion’ between norms and interest – between appropriateness and interest-based consequentialism – is secondary here. The two first logics of action propose that the actor is purposively oriented towards one of the following desired consequences: changing the target *or* constructing the self. Framing these consequences is deeply interconnected to norms of action; i.e. self- or target-related ideas about appropriate behaviour.

Thus, purposive action, importantly, does not presume the existence of a rationality that is instrumental to material gains. Following Boudon (2003, p. 18; in Schmidt 2008, p. 317), I see rationality as cognitive, and therefore “action needs to be explained in terms of its meaning to the actor”. Rather than dwelling on ‘how rational’ or ‘how instrumental’ an actor is, it is more pressing to analyse what an actor puts into an assumed decision-making equation when making sense of its own actions<sup>73</sup>. Below, I outline two different options, for which ‘changing the target’ (for strategic or altruistic motives) or ‘a desired outcome regarding the self’ (identity formation) constitute the benefits of the equation. This builds on a simple distinction between foreign policy that is target-oriented and foreign policy that is sender-oriented. Hence, I break with dichotomies that strictly separate capabilities from symbols, or interests from ideas. There is no doubt that capabilities and symbols, interests and ideas are all at play when it comes to sanctions. As was discussed in chapter I, an actor needs to possess certain capabilities in order to be recognised as a sender of sanctions in the first place, and an actor needs to have the capacity to research and implement the measures practically. On the other hand, symbols can be important resources that actors use to fulfil objectives of very different character.<sup>74</sup> As expressed by Rosenau (1968, p. 328): “the foreign policy undertaking is the most delicate of political actions and the most fragile

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<sup>73</sup> See Allison & Zelikow, 1999, p. 19), who called into question the usefulness of the general assumption of rationality “when, in fact, most of the heavy lifting is being done by further, more specific, assumptions or evidence about the agent’s objectives, the agent’s conceptualization of the situation, and the agent’s assessment of benefits and costs.”

<sup>74</sup> This parallels Schimmelfenning (2001), who speaks of rhetorical action as “the strategic use of norm-based arguments”.



of political relationships. It involves a degree of manipulation of symbols that is unmatched in any other political situation.”

By focusing on discourse rather than on exogenous measurements of policy practice, I choose to analyse the *terms in which* the EU makes sense of its own actions (and the AU of the EU’s actions) rather than “actual” reasons for action. This choice is based on two considerations. First, I believe that the prospect of determining ‘true’ causes with models based on so-called *objective interests* are anyway limited. The endurance of the ‘sanctions paradox’ in a research field dominated by interest-based rationalist approaches is a case in point. Hence, I do not take position on whether the EU “actually” is ‘rational’ or ‘interest-driven’ in its use of sanctions.<sup>75</sup> I do, however, and this is my second consideration, believe that an actor’s *subjective interests* (and how they are understood by others) are illuminating for understanding an actor’s identity construction (Wendt, 1999, p. 232-233). Accordingly, I have designed an analytical framework that is directed at actors’ subjective understandings of the *why*-question with regards to sanctions (e.g. logics of action), as articulated in how they *justify* their attitudes and calls for action (see p. 89 of this thesis).

Many contributions to the sanctions literature have treated the symbolic properties of sanctions as instrumental to target-related goals (Galtung, 1967, pp. 411-412; Doxey M., 1983a, p. 85; Baldwin, 1985, 2000a; Barber, 1979, p. 381; Lindsay, 1986, p. 171). One example comes from Doxey (1983b, p. 274), who argues:

[A]s penalties which may be incurred as a consequence of norm violation, sanctions must relate to norms or rules, must be capable of application and must carry some negative power, whether symbolic or real. Failure to meet these minimum conditions would make them absurd.

I add the possibility that symbolic as well as material properties of sanctions can be used for identity formation purposes to Doxey’s “negative power”. We well know from the theories of power that one’s capabilities can be used to change others. It is more rarely discussed that identity formation through sanctions can also be driven by capabilities, to the extent that it relies on the successful infliction of harm. In this case, the sender has to have certain capabilities in order to succeed in inflicting pain, but the purpose is otherwise detached from the target. This highlights the prospect that using

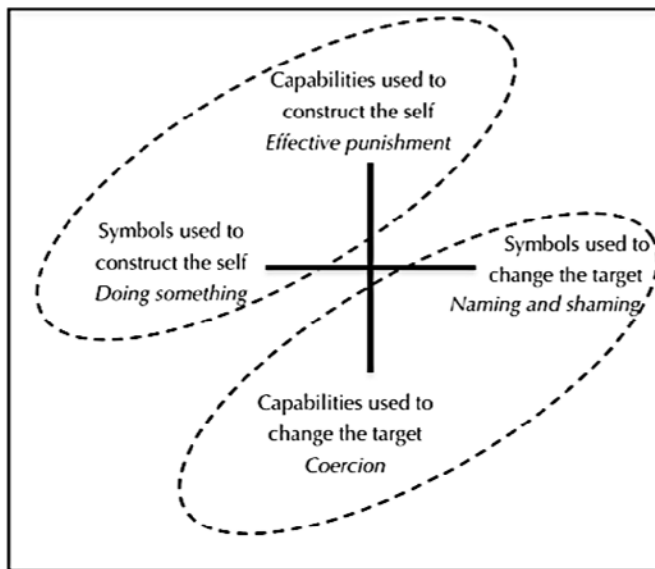
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<sup>75</sup> I do distinguish between purposive and non-purposive action, but that is a separate matter.

sanctions as a form of punishment is not necessarily connected to a purpose of target change, but of identity formation.

The simple figure below aims to illustrate the proposed move from the dichotomy between capabilities and symbols to an analysis of whether sanctions are, at the end of the day, truly target-oriented or have more to do with the sender. Logic of Action 1 – changing the target – corresponds to the lower-right categories *coercion* and *naming and shaming*, and Logic of Action 2 – creating the self – is captured by the upper-left categories *doing something* and *effective punishment*.

Figure 2.3: Self-oriented and Target-oriented use of Sanctions



To equate *political* behaviour with sender-oriented or target-oriented purposive behaviour does not mean that it is necessary to have a purpose in order to be an actor (cf. Wendt 2005, p. 591). Action is not necessarily the outcome of political deliberation, where ideas and interests are carefully weighed against each other. An absence of sophisticated calculus behind an action does not mean that there is no underlying reason to the action. Every action can be traced back to some reason – at the very bottom of the chain of reasons is randomness – although this reason may not always be apparent to the actor. The third logic of action opens up to the prospect that the action is not the result of a purposive political consideration. Rather it pinpoints the possible importance of rule following and routines, inspired by elements in Hopf's (2010) logic of habit and, to a lesser extent, Pouliot's (2008) logic of practicality. The idea is that once

an institutional web of the EU's dignity is established, and well-oiled bureaucratic routines are put in place, a lot of action can potentially be taken without advanced political deliberation.

Considering what we know about diverging interests in the EU, it is not farfetched to hypothesise that its ability to agree on sanctions may be institutionally predisposed. Yet, this prospect is rarely acknowledged in the current literature on the EU as an international actor. Instead, it relies heavily on a value-rationale paradigm, as expressed in the civilian, normative, and ethical power concepts (see chapter 1). The sanctions literature, for the most part, presupposes that sanctions are used to change targets through material or symbolic means. These default views are clustered together in the first logic of action: 'changing others', which the thesis challenges by proposing two alternative logics of action.

### **Logic of Action 1: Changing Others**

The logic of employing economic sanctions as an instrument of statecraft is well understood. Target countries suffer disutilities that result from the actions of countries imposing sanctions. The resulting costs, or the fear of such costs, in turn cause target states to moderate their behavior in the direction demanded by the "sending" nation(s).

Dashti-Gibson, Davis, & Radcliff, 1997, pp. 608-609

The first logic of action reads: "Constructing the Self and *Changing Others*" (Diez 2005, emphasis added). As suggested by Dashti-Gibson, Davis, & Radcliff (1997) above, changing targets by making them suffer certain disutilities is the default understanding of why sanctions are used. For logic of action 1, I propose that these disutilities may be of either material or symbolic character. In any case, the desired target change is supposed to correct the norm violation that the target is accused of.

Giumelli (2011a) regards changing others as the definite goal of EU sanctions. He identifies three ways to reach this goal: coercion, we can force the target to change; constraint, isolating the target will make it change; or signalling, if we tell the target that it has been bad it will change out of care for its international reputation. Alternatively, I see all three categories as amounting to coercion in accordance with a logic of power, whether it take on material or 'discursive' form (Diez & Whitman, 2002, p. 59), insofar

as it forces another country do something that it would not otherwise do by imposing sanctions (cf. Griffiths, 1999, p. 158; Doxey M., 1983b).

Moreover, it poses some problems to conceive of target change as an end-goal, since it is an objective that itself requires justification. Instead, I distinguish between two higher-ranked goals for which changing others may be instrumental. For the first, the Union sees the behaviour of the target as a threat to its interests and/or security, and the change in the target's behaviour is desired to reduce or eliminate this threat. This is action in accordance with a classical Weberian interest rationality (*Zweckrationalität*), where the Union considers it to be in its *subjective interest* to change others via the use of sanctions. In my study, this will be exemplified by references to sanctions as strategic coercion.

Alternatively, the Union may use sanctions with the altruistic goal of actually improving conditions for people in the targeted countries by making them change. This would correspond to a Weberian value rationality (*Wertrationalität*), according to which the actor orients itself along the lines of a believed absolute value, rather than its own interests, in deciding on courses of action. This would be an instance of sanctions being used as tools for norm promotion.

Sanctions used to change the target provide a means with which *to expand* an order based on norms and values that the Union cherishes. In other words, if an actor believes that sanctions can make the targeted countries more 'like itself', sanctions could consequently open up for new members to be welcomed into international society. However, while the goal might be to do good, it is not certain whether the goal justifies the means in establishing normative likeness. Bull and Watson (Bull & Watson, 1984, p. 1) explicitly required that "commonness" should be "established by dialogue and consent" (see also Sjursen, 2006b, p. 242-243). In analogy to "the negotiated order of social relations", sanctions are communicative acts that bargain over the relative position of actors in the international system. However, this act of communication is one where power relations very clearly operate (Craib, 1992, p. 92), and it can hardly be understood to be a form of dialogue between equal parties.

Thus, strategic coercion and norm promotion are two different end-goals for which the changing of others is instrumental. This is a theoretically relevant distinction, but obviously there is nothing in practice that excludes that the EU could act in the

interest of its own security and simultaneously in the hopes of achieving normative change believed to be good also for the target.

## Logic of Action 2: Creating the Self

For superpowers, image is particularly important. Involved globally, they must react globally; seen through ideological, strategic and symbolic prisms, a failure to do so may seem to be a failure of leadership and a forfeiture of advantage to the 'other side'. 'Tit-for-tatism' becomes a policy imperative.

Doxey M., 1983a, p. 85

While the EU might not be a superpower, the second logic of action follows Doxey's emphasis on image and posits that sanctions serve to 'create the self' rather than to 'change the others'. Hence, it is a counterproposal to the first logic of action. The desired outcome regarding the self is not readily measured with material factors, but this does not mean that it is not based on one's interests and is not aided by material resources. On the contrary, creating the self by outlawing others responds to the most basic interest of all: ensuring existence or survival of the entity.<sup>76</sup> I speak here in a metaphysical rather than physical sense. Symbolic uses of economic statecraft have often been associated with "national immaturity" (Baldwin, 1985, p. 97), and the use of sanctions for the purpose of identity formation could also be understood to be an expression of such immaturity for the European Union as an international actor.

Thus, logic of action 2 proposes that the European Union chooses to use sanctions because it believes that they can contribute positively to an end-goal of identity formation as a foreign policy actor. I envisage two ways in which sanctions may be used as identity politics: doing something and punishment. That sanctions can be used to avoid inaction corresponds to what Galtung (1967) and Baldwin (1985, p. 97 ff) call expressive behaviour.<sup>77</sup> Baldwin's description of expressive behaviour as having "no objective other than the release of internal tensions" may falsely suggest that this is a superficial type of policy. Especially for the European Union, which struggles to prove

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<sup>76</sup> For classical realists this would amount the highest moral principle (Morgenthau, 1967).

<sup>77</sup> Which types of behaviour are considered to be useful for expressive purposes – for 'doing something' and for 'punishment' – depends on a number of factors, including institutional preconditions. As put by Hall & Taylor (1996, p. 948) on sociological institutionalism: "Institutions influence behaviour not simply by specifying what one should do but also by specifying what one can imagine oneself doing in a given context". In other words, sanctions would not be used for expressive purposes – 'creating the self' – unless they had already been ascribed a certain 'logic of appropriateness' (March & Olsen, 2004, p. 2; 1998, p. 17).

that it truly is an international actor, releasing internal tensions and showing capacity to act is no trivial thing. Thus, my point is that although the objectives behind sanctions may at times be “merely symbolic” (Baldwin, 2000a, pp. 102-103), this does not mean that they are not important for both sender and target.

Sanctioning for the sake of ‘doing something’ does not depend on achieving actual effects beyond communicating that sanctions have been imposed. In this way, sanctions offer “the value of at least doing something, of having the illusion of being instrumental, of being busy in time of crisis” (Galtung, 1967, p. 411; see also Nossal, 1999; Lindsay, 1986, p. 170).<sup>78</sup> Hence, this is the self-oriented use of the symbolic characteristics of sanctions par excellence.

The toolbox ‘to construct the self’ rather than ‘to change the other’ contains not only symbolic but also material resources. As argued by Galtung (1967, p. 380), it would be “naïve” to believe that punishment is a sufficient condition for target compliance. However, sanctions can be used to punish independently of whether punishment in practice creates incentives for change or not. In contrast to ‘doing something’, ‘punishment’ depends on the effects that it has on targets in terms of successfully inflicting harm. An actor may use sanctions as punishment to send out a message about itself, without actually believing that this message will help to achieve target change. In consequence, a forceful punishment through sanctions can be instrumental to purposes of identity formation: a way of saying – look who has got the stick!

If used as a tool for identity formation, the imposition of sanctions implies that there is a delimitation of the cherished normative order, where the targeted countries are excluded by the application of this measure. This is because sanctions, according to the second logic of action, maintain and create ‘others’ by outlawing these countries; and to the extent that the international normative order is a community of law, *outlawing* implies that those who are outlawed are placed outside of this legal community and consequently outside of the normative order.

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<sup>78</sup> This value is strengthened by rule-bound practice, and the use of sanctions as a way of ‘doing something’ may therefore increase with a simultaneous presence of the third logic of action. In a dense institutional setting, where routines for dealing with international crises are formally established, calls for sanctions as a way of ‘doing something’ are likely to increase.

### Logic of Action 3: Habitual Sanctioning

I argue that habits not capabilities determine identity. Identities are anchored in routines with significant others, and actors – even corporate actors such as states – become attached to or invested in these routines.

Mitzen, 2006, p. 271

In alignment with Mitzen's quote, logic of action 3 posits that the Union's identity as an international actor is formed through its institutional setting and the habits that emerge from this setting. In other words, the EU as a particular form of political organization lends its attributes to the EU as a foreign policy actor under construction. According to this proposal, the Union decides on sanctions without making advanced cost/benefit-analyses, without moral considerations, and without having an advanced identity project in mind. Instead, sanctions are used as a *reflex* in response to situations that fulfil certain conditions, which have been previously agreed upon through practice or initial deliberation

At this point, a note of caution is opportune. Reflexivity can take on a number of meanings that are at times outright contradictory. Michael Lynch (2000) makes a distinction between mechanical, substantive, and methodological reflexivity. The meaning of interest for this thesis falls into the first category and corresponds more precisely to what Lynch calls "Knee-jerk reflexivity". He explains as follows (Lynch, 2000, p. 27):

In common language, the word 'reflexive' can refer to an habitual, thoughtless or instantaneous response. This sense of the word greatly differs from the conceptions of reflexive (or reflective) actions, which emphasize conscious awareness, deliberation and choice. In behaviourist psychology, for example, the image of a reflex arc describes a hypothetical pattern through which a stimulus evokes a response. The circuit of relations is habitual and automatic, and conscious 'reflection' is, in principle, ruled out of relevance.

The logic of habit is in contrast not only with the instrumental logic of consequences but also with an understanding of a logic of appropriateness as norm-based calculation (March & Olsen, 2004). As Risse noted (2000, p. 6), the logic of appropriateness incorporates "two different modes of social action and interaction" that are distinguished by the amount of reflection the actor engages in before implementing the

norm. On the one hand, there is behaviour that is rule-guided but which requires the actor to interpret the situation and consciously choose between competing norms. This version is incompatible with the logic of habit outlined here. Instead, it feeds into Risse's logic of arguing (2000, p. 7), which places attention on "whether norms of appropriate behaviour can be justified, and that norms apply under given circumstances". On the other hand, the logic of appropriateness also speaks of behaviour based on norms that are institutionalised to the point of being taken for granted (Risse, 2000, p. 6; see Pouliot, 2008, p. 263). Risse states: "the 'taken for grantedness' of norm-regulated behaviour implies that enacting the norm need not be a conscious process". This matches well with the view that "actions of actors in the world are often not the product of deliberate calculation of any sort, instrumental or normative" (Hopf, 2010, p. 544).

In sum, the logic of habit purifies the vein of sociological institutionalism that acknowledges the "partly autonomous role" of "structures, rules and standard operating procedures" (March & Olsen, 2006, p. 4). Thus, rather than focusing on how institutions set the frames for rational reflection (Hall & Taylor, 1996) – they certainly may do so in the first two proposed logics of action – this logic of action pinpoints the possibility that particularly dense institutional settings may exclude certain topics from the domain of political purposive reflection.

Beyond its partial association with the logic of appropriateness, the logic of habit also overlaps with the so-called logic of practicality (Pouliot, 2008). This overlap comes out of the importance of practices for institutions and vice versa. After all, "[i]nstitutions have often been defined as 'settled practices' (Kratochwil, 2011, p. 42). Moreover, just like Hopf's logic of habit, Pouliot (2008, p. 258) defines his logic of practicality in opposition to calculated action:

[m]ost of what people do, in world politics as in any other social field, does not derive from conscious deliberation or thoughtful reflection – instrumental, rule-based, communicative, or otherwise. Instead, practices are the result of inarticulate, practical knowledge that makes what is to be done appear 'self-evident' or commonsensical.

The logic of practicality criticises both rationalist and constructivist accounts for relying on *representational* knowledge. According to Pouliot non-representational knowledge that is gained through practical experience may be goal-oriented even if the actor has



not consciously reflected on that goal (2008, p. 261). In contrast to both sociological institutionalism and to the logic of habit as articulated by Hopf (2010), action within the logic of practicality cannot be traced back to an initial conscious reflection that established the habit. However, by conceiving of practice as *knowledge*, the logic of practicality appears to me to be more interested in providing an alternative explanation for seemingly (norm-following or instrumental) rational behaviour rather than explaining seemingly non-rational behaviour. Pouliot's emphasis on intelligent action and know-how suggests a practical kind of *rationality* that is goal-oriented without being reflective, conscious or expressed. This draws on Bourdieu, who argues that "[t]he practical sense is what allows one to behave appropriately without posing or executing a 'should'" (Bourdieu 2003, p. 201, in Pouliot 2008, p. 277). To understand the logic of habit that is employed in this thesis is to acknowledge that habits may start either with non-reasoned practices or with initial purposive reflection.<sup>79</sup> Though, in a more far-reaching rejection of assumed rationalities, it holds that even though practice is always "imbued with meaning" (Adler & Pouliot, 2011, p. 6) it is not always appropriate or implicitly goal-oriented. Instead, both intelligible and non-intelligible action can be rooted in practices.

In relation to the international normative order, a logic of habit upholds the status quo. If the EU does not engage in reflection on the reasons underlying its use of sanctions but rather does what it has institutionalised as normal, it is not a conscious *political* international actor. As stated by Nossal (1999, p. 127): "it is common for many foreign policy-makers to reach almost reflexively for sanctions", in the case of which a political agenda in any meaningful sense would be lacking. In a similar vein, Weber questioned whether traditionally oriented social action could indeed be seen as "meaningfully oriented". The spirit of the third logic of action is captured in his model of traditionally oriented social action (Weber, 1964, p. 116):

Strictly traditional behaviour [...] lies very close to the borderline of what can justifiably be called meaningfully oriented action, and indeed often on the other side. For it is very often a matter of almost automatic reaction to habitual stimuli which guide behaviour in a course which has been repeatedly followed. [sic!]

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<sup>79</sup> The invention of targeted sanctions, however, seems to have been the product of highly deliberate reasoning.

That the institutional complexity places constraints and opportunity structures on the Union is uncontroversial, but whether this affects the EU's self-image is another story. In this context, two particulars are especially important: (i) *legalization* (Goldstein, Kahler, Keohane, & Slaughter, 2000; Smith, 2001; Finnemore & Toope, 2001)<sup>80</sup>: references to legal constraints on foreign policy and (ii) *Brusselization* (Wessel, 2009): a form of delegation to increasingly important preparatory organs running on their own in the CFSP.

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<sup>80</sup> While I agree with Finnemore and Toope (2001) that the notion of legalization as defined by Goldstein *et al* misses important aspects of how law influences politics and overemphasises contractual obligations, the appropriate reach of the concept is not a concern for the following analysis. Instead, it is interested in how different notions on law – narrow or broad – are articulated in the discourse on sanctions.

## Summary – Logics of Action

I have presented three alternative logics of action for the EU's sanctions policy. In table 2.4 these are classified following the lines of reasoning introduced above.

Table 2.4: Logics of Action

	<i>Purposive</i>		<i>Reflexive</i> (mechanical)
	CHANGING OTHERS	CREATING THE SELF	HABITUAL ACTION
<i>First Degree Indicator</i>	There are references to hopes that the target will change (policy change, regime change, adaptation) as given reasons for imposing sanctions.	There are references to factors internal to the sender (credibility, image, identity) as given reasons for imposing sanctions.	There are references to institutional/legal obligations or past habits (treaties, committees, experts, cases) as given reasons for imposing sanctions.
<i>What Forms Identity</i>	Strategic coercion, Norm Promotion	Doing something, Punishment	Habits, law, practice
<i>Definition of Problem</i>	Wrongful behaviour threatens the EU and can be stopped /Wrongful behaviour <i>should</i> and can be stopped by the EU	Opportunity for identity formation, needing an 'Other' to create the 'Self'	Institutionally defined
<i>Political Agenda</i>	Changing Others	Identity Formation	Legalization/Brusselization
<i>Type of Goal</i>	Intermediate	Final	Absent
<i>Normative Order</i>	Expanding	Shrinking	Status Quo

As the table shows, the three logics of action are constructed to be analytically separate but are expected to overlap empirically. As Amitai Etzioni (2004, p. 73) stated: "Each specific foreign policy decision is and ought to be influenced by numerous complex considerations: No one principle can determine whether this or that line of action should be followed". Several researchers have acknowledged that sanctions may be used in order to reach various kinds of end objectives. The focus of research, thereby,

assumes the character of establishing which goal is dominant in different situations (Baldwin, 1985; Galtung, 1967, p. 380; Lindsay, 1986, p. 156). Hence, all types of restrictive measures against all types of countries and in reaction to all types of alleged misbehaviour cannot be expected to correspond to just *one* logic of action (see Tetlock, 2005, p. 58-59). As put by Eriksson (2005, p. 8), “sanctions cases are unique and carry their own logic”. Consequently, it is not my aspiration, nor is it my expectation, to detect one single logic of action that corresponds to a single mechanism capable of explaining the EU’s use of sanctions. Instead, by applying the framework of this research to the entire universe of EU sanctions cases ought to clarify in which circumstances one or the other logic of action might dominate.

## Autonomy

Sanctions are communicative acts, and these measures ultimately receive their meaning as sanctions by being inter-subjectively acknowledged as such. As a central tool of international relations, the use of sanctions is a significant indicator of an actor’s relative position in the international system, at the same time mirrors the patterns of influence in that very system. It follows that there is no such thing as a purely autonomous sanctioning practice.

To study the autonomy of the EU as an international actor is to determine *who the EU is* in its sanctions policy (see Bretherton & Vogler 2006, p. 17). As a hybrid form of political organisation, the construction of the EU as an international actor occurs on three levels: within the EU system as such, at the Member State level, and in its interactions in the international arena. Zoller (1984, p. 104; in White & Abass, p. 520) raises the question of whether regional organizations “are actually deploying sanctions as international legal persons, or whether, in reality ‘the organization acts less as an organization than as a collectivity of the member states as a whole’”. To understand whether the EU is more than the sum of its parts in the sanctions policy, the decision-making process must be taken into consideration.

Although the EU’s sanctions policy remains mainly intergovernmental–, i.e. when the Union uses sanctions, it acts in this sense as the sum of its member states rather than as an organisation; the Lisbon Treaty has introduced a qualified majority voting

procedure for decision-making on the implementation of CFSP sanctions.<sup>81</sup> This is worthy of note since the particularity of the CFSP as an intergovernmental 'pillar' is otherwise maintained under the Lisbon Treaty.<sup>82</sup> Yet, because it is known that CFSP decision-making is usually consensual already before reaching the Council, the importance of formal voting arrangements should not be overestimated<sup>83</sup> (see House of Commons Foreign Affairs Committee 2008, p. 45).<sup>84</sup> The tradition of a "problem-solving" decision-making style in foreign policy goes back to the CFSP's predecessor, the European Political Cooperation (EPC). Michael E. Smith (2004a, p. 83) notes: "[e]ven during difficult discussions over the imposition of sanctions for political ends, officials usually avoided bargaining."

Voting arrangements apart, the High Representative and the Commission have an important role in making proposals for the Council Regulations that implement sanctions following a CFSP-decision. The Commission is also responsible for ensuring Member State implementation of such measures and can start infringement procedures if the required rules of implementation are not put in place. Moreover, it participates in the RELEX-Sanctions formation (European Commission, 2008a). The European Parliament has a weak formal role in the CFSP, but it must be consulted when counterterrorism measures under Art. 75 TFEU are being decided upon. Since Lisbon, the Parliament also has a formal right to be informed in the event that CFSP sanctions are adopted (Art. 215 TFEU, European Union 2010b).

Autonomy is about how the EU deals with pressure and expectations, both positive and negative, from its own Member States and from other actors with regard

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<sup>81</sup> In the initial Convention negotiations, a general establishment of qualified majority voting was proposed but rejected (Diedrichs & Jopp, 2003, p. 23). The qualified majority vote now enters into force only once a principled decision, for which unanimity is required, has been taken "in favour of sanctions in principle" (House of Commons Foreign Affairs Committee 2008, p. 41; see also Whitman & Juncos, 2009, p. 31, 37). In the Treaty establishing the European Community, for economic and financial sanctions directed against third states implementation decisions (under Article 301 TEC, Article 60 TEC for financial restrictions) were already made by qualified majority rule on the basis of a Commission proposal for a Council Regulation (European Commission, 2008a). With the Lisbon Treaty, the Commission and the High Representative make this proposal jointly (Cremona, 2009, p. 96).

<sup>82</sup> As put by Lord Owen in the House of Commons' Report on Foreign Policy Aspects of the Lisbon Treaty, "in a clever way, despite getting rid of the pillars, they have almost created another pillar for foreign policy" (p. 45). Twenty-five of the 62 amendments of the TEC and the TEU, which the Lisbon Treaty amounts to, are CFSP and ESDP provisions (Whitman & Juncos, 2009, p. 28).

<sup>83</sup> In addition, also after Lisbon, and under QMV, the possibility of constructive abstention was maintained (Diedrichs & Jopp, 2003, p. 19).

<sup>84</sup> In any case, having different decision-making arrangements for the 'principled' choice of deciding to use sanctions (unanimity) and implementation (qualified majority) is in line with the tendency to attribute any problems with the sanctions themselves to a failure in implementation (see chapter 3).

to its decision to impose sanctions (see Lindsay 1986, p. 171).<sup>85</sup> For the purposes of this study, autonomy should not be equated with always free-standing action. In fact, very few cases of sanctions have only one sender (Giumelli, 2011a, p. 74). Indeed, ‘purely’ autonomous sanctions would contrast with the multilateral approach that the EU subscribes to, unless we choose to conceive of EU sanctions themselves as the result of multilateral cooperation between the Member States. Again, conceptual framing is important, and some would be quick to label any action that goes beyond strictly UN-sanctions as a “unilateral” action.

Sanctions offer an institutionalised way of creating normative alliances with some actors while (and through) expressing one’s distance to others. It would therefore be awkward to see participation in this alliance-making game as a sign of a lack of autonomy. Rather, we have to look at how the game is played and how expectations are internalised or rejected. There is a big difference between active alliance-seeking through sanctions, and band-wagoning behaviour motivated by primitive herd instincts. The former would be how an actor with an autonomous mind would play the game, while a submissive and passive actor would fall into the latter category. Max Weber’s separation between different types of imitation is illuminating (1964, p. 114, my emphasis):

[M]ere imitation of the action of others [...] will not be considered a case of specifically social action if it is purely *reactive* so that there is no meaningful orientation to the actor imitated. [...] The mere fact that a person is found to employ some apparently useful procedure which he learned from someone else does not, however, constitute, in the present sense, social action. Action such as this is not oriented to the action of the other person, but the actor has, through observing the other, become acquainted with certain objective facts; and it is these to which his action is oriented. His action is then *causally* determined by the action of others, but not *meaningfully*. On the other hand, if the action of others is imitated because it is ‘fashionable’ or traditional or exemplary, or lends *social*

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<sup>85</sup> According to Hoffmann (1967), the influence of legalistic models of thought established by the League of Nations and the UN make it difficult for sceptical political actors to argue against sanctions. It simply was not ‘comme il faut’ to question sanctions in international affairs. This may have changed since Hoffmann’s writing, but sanctions remain “not only [...] a technical measure” but “measures, instruments’ of ‘international authority’” (Hoffmann, 1967, p. 154; referring to speech by Lord Caradon).

(Hoffmann, 1967, p. 154). As was argued in chapter one, to be an accepted user of this instrument of international authority can in itself be interpreted also as a form of acceptance of the Union as an international actor.

*distinction*, or on similar grounds, it is meaningfully oriented either to the behaviour of the source of imitation or of third persons or of both.

Weber estimates imitation, here understood to be following someone else's lead in imposing sanctions, to amount to meaningfully oriented action; this is not considered to be a violation of autonomy only in the event that the imitation occurs for certain reasons. He mentions that social distinction is to be considered a reason, which parallels the way in which sanctions establish borders between units in the international system. In the end, he is sceptical about the chances of empirically separating "mere influence" from meaningful orientation.

This would, in my analogy, suggest that there is no ready-made objective measurement of autonomy. However, it should be un-contentious that a sanction is fully autonomous if the Union is the only actor that has imposed a measure against the target. In most cases, the Union is not the sole sanctioner, even within its 'autonomous' sanctions policy. For these cases we would need to dig deeper and investigate how autonomy and expectations are understood in EU discourse. Does the use of sanctions have *internal integrity* as a European policy, or rather is it the approach of some individual Member States disguised as European policy? Does the use of sanctions have *external integrity* – i.e. is there a common philosophy on how to deal with bystanders? Both these questions are addressed in chapter 6. Furthermore, in chapter 7, I investigate how the African Union, as a relevant bystander, perceives the autonomy of the EU's use of sanctions. The analysis will show that whereas the EU is largely perceived as being autonomous with regards to the position of other actors on the sanctions scene, its policies are strongly associated with only a few Member States. Thus, from this perspective the EU has a long way to go to be perceived as an actor in its own right.

## Volume

I have built my argument around an understanding of sanctions as communicative acts. The substance of a message is, in principle, the most important part of the communication. For the use of sanctions this is captured in the alternative logics of action outlined above. However, the substance of the message is not all there is to a communicative act. It does not matter how crucial a message is, if we are unable to properly hear it or if we choose not to listen to it. Anyone who has played the

“Whisper Down the Lane”-game is aware how badly a message can get distorted as it is passed on from individual to individual at a very low volume. And most people have probably at some point more or less deliberately stopped listening, reducing the attempt at communication to a background hum. In other words, the out-volume may differ from the perceived in-volume. The sender, the target, and the bystander may perceive not only the substance – as is emphasised in the logics of action – but also the volume of the communication differently.

For this study, volume is an indicator of the importance of sanctions as foreign policy tools. As such, it is a robustness check of the substance articulated in the previous chapters. According to Baldwin (1985, p. 61), economic statecraft has generally been characterised as low politics – i.e. unessential to the survival of the state. Whether the partial de-economisation of the instrument, through the transition from comprehensive to targeted sanctions, has further eroded the salience of sanctions is open to debate. Again, the heterogeneity of the instrument does not allow for a generalisation of the level of volume across all measures.

This also implies that we would expect logics of action, in their pure ideal-typical form, to correlate with different out-volume levels. The more important is the expressiveness of the sanction in fulfilling the purpose, the higher we would expect the volume to be. Especially in the event that sanctions are used for identity formation purposes, there is an in-built incentive to speak the message as loudly as possible; this is so because it is this mechanism that is supposed to ensure goal-fulfilment. If sanctions are used with the desire to change the target, it is less clear what volume to expect. Lindsay (1986, p. 170) argues that covert economic pressure could be a more efficient tool in achieving compliance or subversion, than the “highly visible external threats” represented by sanctions. According to this perspective, increasing the volume of the sanctions message does not necessarily correspond to an increase in the chances of goal fulfilment. This will depend on whether the actor seeks to create a ‘naming and shaming’ effect to force change – in the event of which a high volume is desirable – or whether it will take into account the risk of a ‘rally-round-the-flag’ effect – which would make it preferable to keep the volume low and let the instrument carry out its function. Finally, if sanctions are used mechanically, without a real political purpose, *ceteris paribus* it is fair to predict that the volume of the message will be lower than in either of



the previous situations. In the thesis, I investigate how “loud” the Union’s sanctions policy is, in the sender’s as well as in the receiver’s opinion.

## Policy Linkages

Since policy makers do not decide on sanctions in isolation from other policy tools, they cannot be analysed separately from alternative options for action.<sup>86</sup> I situate the use of sanctions within the context of broader external relations by asking: What types of measures, actions and ideas are legitimized or ruled out with reference to sanctions without actually being a part of the restrictive measure itself? The objective is to determine whether there is a wider package of implications for the EU as an international actor that is connected to, although not necessarily formally specified by, the existence of a sanction. Discursive linkages between different external measures unveil how the use of sanctions is subjectively understood to constrain or enable the EU as an international actor. Again, it is highly relevant, also with regard to the policy linkages, to contrast the Union’s own discourse with the impressions that outsiders have of the relationship that exists between the EU as a sanctioner and other roles that they perceive the Union to play.

According to the “Basic Principles on the Use of Restrictive Measures (Sanctions)” sanctions “must be consistent” with the overall objectives of the CFSP (Council of the European Union, 2004a). Yet, the principles (2004a, p. 3) also emphasise the need for flexibility “in accordance with needs on a case-by-case basis”. The emphasis on flexibility goes hand in hand with the argument that negative and positive sanctions can in the EU’s view work well together, a conviction that is also expressed in the Basic Principles [...] (Council of the European Union, 2004a, p. 2):

5. The Council is committed to using sanctions as part of an integrated, comprehensive policy approach which should include political dialogue, incentives, conditionality and could even involve, as a last resort, the use of coercive measures in accordance with the UN Charter.

Legal documents on restrictive measures do not determine whether or not – and should this be the case, in what way – the existence of sanctions should inform the EU in its wider relations with the country or entity in question. In principle, the EU commits itself

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<sup>86</sup> This follows Baldwin’s (2000a) call to study sanctions in the light of policy alternatives.

to combining negative and positive measures and, in consequence, regards the use of sanctions as complementary to other foreign policy tools. Portela (2008, p. 27) has found that “the EU exploits every available possibility of co-operation with targets”, that this tendency is strengthened rather than weakened when sanctions fail to incentivise change, and that the co-operation preference of the EU may even make it “lift sanctions in view of suboptimal concessions”.

Yet, on some occasions, the existence of a sanction is understood to rule out other commonplace external relations with the target. As late as 2005, Rose (2005, p. 471) argued that neither the US, the UN, nor the EU had used a “bargaining model” of sanctions, i.e. one that would allow for trading between positive and negative measures. This contrasts with the EU’s two-track approaches and declared commitment to complementarity. Due to the great variation that exists within the EU sanctions package, I expect different kinds of policy linkages to be made between sanction measures and the EU’s wider external action. For instance, sanctions within the counter-terrorism framework likely rule out any other type of relations with the target, whereas more traditional sanctions against territorial regimes may co-exist with continued political, diplomatic, and economic interactions. There is also a temporal aspect to this, where limitation of contacts usually is the first step in a chain of sanctions effectuated by the Union (see Eriksson, 2011 on sanctions episodes).

Studying policy linkages between the sanctions policy and other external policies is a way of looking into how the EU handles normative dilemmas that undoubtedly arise behind the scenes of the sanctioning practice. To look into the balancing of policy options helps to reveal the Union’s political hierarchy of norms. This is important, since knowing how an actor prioritizes between norms in situations where they cannot be simultaneously achieved displays a lot about the nature of that actor.

## Targets and Bystanders – Sanctions as a Triangular Drama

Identity is attained in the course of social interaction; through encounters with other actors and in the context of the external environment of institutions and events which enable or constrain EU action.

Bretherton & Vogler (2006, p. 38)

This chapter has dealt with how the EU's identity as an international actor is constructed relationally. I have argued that sanctions are communicative acts that work via processes of exclusion and inclusion, of distance and proximity. Thereby, sanctions signify how an actor creates and positions itself as an international actor. In consequence, we have to consider not only the Union's self-understanding as an actor, but also how external actors receive the discursive messages that it sends out about itself.

I conclude this chapter by concretizing who these external actors are. There are two groups of external actors that exist in relation to the EU's use of sanctions: targets and bystanders. Here, I show why the distinction between these two types is constructive, and I link the terms 'targets' and 'bystanders' to concrete contemporary examples. I discuss how the notion of target has changed in the evolution towards 'targeted' or 'smart' sanctions. Moreover, I divide the broad notion of 'bystander' into five sub-categories; this is aimed at better capturing the particular role of the bystanding actor with regards to the sanctions regime.

The targets are the receiving entities – states, organisations, and individuals – of the sanctions (Galtung, 1967).<sup>87</sup> In spite of talk today of sanctions being precision instruments, the object of which are responsible individuals and not countries, the EU still presents its sanctions under country-headings. This shows that the nation-states are far from being out-dated as recipients of sanctions. Thus, it remains common to speak of, for instance, sanctions against Zimbabwe, even though the measures in place should in principle be targeted.

Regardless of the type, there is inherent friction between the sender and the target of a negative sanction. Targets will by default be critical of the use of sanctions and will not accept the sender's message. Often, the target will refer to the principle of non-intervention<sup>88</sup> in domestic affairs when arguing against the sanctions. Naturally, the

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<sup>87</sup> Baldwin (1985, p. 16-17) sees targets as the different domains that an actor seeks to influence through sanction: "The particular state with which trade is embargoed may or may not be the primary target of influence attempts". According to him, there is usually one receiver of the sanction but several targets of the message of the sanction. This makes it so that the targets also encompass other states that the sender wishes to deter with its use of sanctions. I agree with the author's point that sanctions are not only an isolated affair between sender and receiver. However, to avoid confusion, I use the terminology of 'target' to refer only to the direct receiver of the measure. To refer to the wider domain to which the message behind the sanction is directed, I instead use the term 'audience'.

<sup>88</sup> However, we should not equate the use of the principle in political rhetoric with its legal meaning. The principle of non-intervention has been called "[o]ne of the most potent and elusive of all international principles" (Lowe

rhetoric of targeted states is an attempt to turn the tables to their advantage vis-à-vis domestic constituencies and different international audiences.

Yet, putting the propaganda of targeted regimes/organisations aside, the opinions of populations living under sanctions are difficult to predict. Lopez states that, “*we can morally argue for sanctions on some countries because history supports the contention that repressed people will consent to such*” (1999, p. 147, emphasis in original). Similarly, Lynch argues that the anti-sanctions campaign against Iraq was badly received by ordinary people (see also Hurd, 2005):

Arab opponents of the sanctions, who prided themselves on their support for the suffering Iraqi people, were shocked to discover the depth of animosity towards them among ordinary Iraqis who considered them to have been supporting Saddam.” (Lynch, *Voices of the New Arab Public*, chapter 6, quoted in Lynch 2008, p. 196.)

It is, however, doubtful whether anything general can be said about the reactions of ‘ordinary people’. Not only is it methodologically challenging to access valid data, each situation on the ground has its unique features. Moreover, different sections of targeted populations may have opposing stakes in the issue of sanctions. Finnemore (2008, p. 220) writes:

Assessing the views of target populations and, in particular, views of the marginalised in those places, is not always easy and not simply because of poor data. The intervened-upon often face their own normative dilemmas, as acute as any faced by interveners, and may be of mixed mind or split among themselves about the efficacy and ethics of foreign intervention.

However, the use of sanctions is not only an isolated affair between the sender and recipient. International relations take place on a stage where actors seek to place their characteristics on display, and this requires an audience (see Lindsay 1986, p. 171). To understand the impact of the “external environment”, as expressed by Bretherton & Vogler in the quotation at the beginning of this section, we also need to bring bystanders into the analysis. Any actor who is not the direct target of the sanction is, in principle, a bystander. However, all bystanders are not equally important in the co-

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2007, p.104., in Jamnejad and Wood 2009, p. 345. Its legal relevance, when it comes to sanctions, is far from evident.

construction of the EU as an international actor. For many countries, the EU's sanctions policy is of very little concern. This is revealing, but for the study of the perceptions of external actors it is more relevant to consider bystanders that are the likely audiences of the sanctions message. Audiences for the EU's sanctions policy are those actors the Union hopes to reach with its communication and those who at their own initiative want to listen to these messages.

From this point of departure, we can categorise bystanders into five groups: observers, regional actors, conflict parties, co-sanctioners, and potential targets of sanctions. Which countries qualify for which category will, of course, depend on the sanctions case in question. Observers are actors who do not have a direct relationship to the sanctions case, but who still perceive that they have an overall stake in the EU's use of sanctions. Through sanctions' redrawing of boundaries in the international system, any actor – from the superpower to the microstate – can experience such a stake. However, the EU is not the centre of the world and most relevant observers will be actors that encounter the EU's sanctions policy through established relational practices. Regional actors are states, or organisations, with a geographical connection to the target, by virtue of which are often self-selected audiences for the EU's sanctions communication. The bystander who is a conflict-party is usually, but not always, also a regional actor, and therefore the sanctions message is normally of interest to this actor. Co-sanctioners are actors who have their own sanctions regime in place against an EU target. These sanctions need not be, and usually are not identical. Taking bystanders that are co-sanctioners into consideration is particularly important, since this is where we most evidently can see the sanction's alliance-making mechanism play out. However, it would be too easy to simply equate co-sanctioning with alliance-making. On the contrary, parallel sanctions regimes may work against each other, and represent yet another power struggle. Consequently, it is necessary to consider the dynamics of interaction between co-sanctioners. The most frequent co-sanctioners are the United Nations and the United States.<sup>89</sup> The EU's autonomous sanctions policy is a direct result of the United Nations' failure to act, the moment that the EU permanent members of the Security Council usually try the UN route before turning to autonomous sanctions.

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<sup>89</sup> According to Jones (2007) the European reliance on the US was even heavier during the Cold war, i.e. prior to the institutionalisation of a European-level sanctions policy. Jones finds that "[t]he United States was a partner in virtually every case in which a European state participated in multilateral sanctions" (2007, p. 104).

The U.S. is crucial as the world's most active unilateral sanctioner. Finally, the last group, i.e. potential targets, are those that may be deterred by sanctions.

Table 2.5: Classification of Bystanders (as of June 2012)

<i>Bystander Category</i>	<i>Example (with target in parenthesis)</i>
Co-Sanctioner	African Union, Ecowas (Guinea-Bissau) United Nations (Iran, counterterrorism); United States (Syria)
Observer	Russia (general); African Union (general); China (general) Brazil, Turkey (Iran) Russia, China (Syria)
Regional Actor	African Union (Zimbabwe, Sudan); South Africa (Zimbabwe); Russia (Belarus) Turkey (Syria)
Conflict Party	Israel (Hamas; Palestinian Authority) Moldova (Transnistria)
Potential Target	Hezbollah (Hamas)

## Summary

Building on the claim that sanctions have certain inherent characteristics that make them a proxy for how an actor relates to others, this chapter launches an approach on how to study the identity of the EU as an international actor through its use of sanctions.

In this chapter, I have presented the tools that will be used in the empirical chapters to answer the question of how sanctions shape the EU as an international actor. The design of the analytical toolbox is derived from two points of departure. First, there is the argument – or theory-based assumption – that identity formation is a fundamentally relational process. International identities – whether thin or thick – are constructed with more or less internal conflict and in more or less tense interaction between self and other. For the purposes of this thesis, it is emphasised that sanctions send out messages not only to the target but also to other actors. Regardless of how well the measures ‘work’ on the ground, sanctions offer the sender an institutionalised

way of creating normative alliances with some actors while expressing distance to others. Our analysis breaks with the strict sender-target polarity in sanctions research, and speaks of five categories of relevant *bystanders*: co-sanctioners, general bystanders, regional actors, conflict parties, and potential targets.

Moreover, relational identity formation never covers all aspects of the self and the other. Instead, self-understanding and perceptions draw on *selected aspects* of an actor's full characteristics. This selection will largely be a function of the capacities in which the self and other meet, and their respective experiences of this meeting. Hence, your perceptions of a schoolmate may be based on his performed identity in class, and entirely disregard that he is also a party-animal, a chess-champion, or a passionate golfer. Similarly, this study will show that, due to the AU's selective exposure, its perceptions are largely based upon the Zimbabwean case and pay minimal attention to EU sanctions against Belarus or Transnistria (chapter 7).

In consequence, the basic argument about relational identity formation does not in and of itself offer tools for analysing this process. This brings us to the second argument: that it is necessary to qualify *with regards to what* the relational identity formation that we are interested in would occur. For the purposes of this study, logics of action and the complementary categories of volume, autonomy and policy linkages have been judged crucial aspects around which an actor's self-understandings as well as others' perceptions are formed (see table 2.1). Logics of action place the *reasons* for the actor's behaviour at the centre of attention. These can effectively be derived from how an actor justifies its position on sanctions. Logics of action do not presume that action when it comes to sanctions is necessarily purposive, instrumental, or interest-based. However, logics of action pay interest to the terms in which actors make sense of their policy options. In this respect, I have argued that both self and other tend to be oriented towards why-questions as they seek to make sense of each other.

Analysing the EU's subjective self-image along these dimensions and placing it in relation to how targets and bystanders perceive the Union enables a solid picture to be provided of what the EU is as a sanctioning actor. Since the sanctions policy is a non-negligible part of the EU's external action, it also gives us a central indicator of what the EU is as an international actor. However, to answer how the use of sanctions shapes the Union as an international actor, we must not treat sanctions separately from other policy tools. Therefore, this study also considers the discursive policy linkages that are

made – in self-understanding and external perception – between the sanctions policy and other available policy tools.



### 3. LOGICS OF ACTION

This chapter investigates given reasons to justify action and non-action in EU discourse on sanctions (Melissaris, 2001, p. 51). I focus on patterns of conflict and consensus in attitudes toward sanctions and thereby break with the reliance on general policy documents, which tends to downplay internal contestation. Rather than establishing causal influence, I conceive of the task as the study of “how meanings and *their contestation* shape actions and institutions” (Kurowska & Kratochwil, 2012, p. 89). The truly sui generis aspect of the EU is the fact that it is a huge integration project where mutually dissimilar nation states interact in complex institutional arrangements both with each other and with a European-level bureaucratic elite in relentless expansion (see Herman, Risse & Brewer, 2004). Its internal complexity can be seen as an impediment to reaching “full” external ‘actorhood’ (Krotz, 2009). However, this complexity does not only delimit what is politically possible, it also defines the actions that are actually taken. This is why I believe that contradictions, discrepancies, and inconsistencies in EU discourse on sanctions are features that should be analytically examined rather than rejected as exceptions.

In chapter II, I made a distinction between three alternative logics of action: a. changing others (norm promotion or strategic coercion), b. creating the self (doing something or punishment), and c. habitual sanctioning (institutions and law). The analysis shows that EU politicians care about the effects that sanctions have on targets. However, making the target change is rarely articulated as the end-goal of sanctions. Instead, both the hopes and fears concerning sanctions are surprisingly often self-rather than target-oriented. Consistent action and improved implementation are emphasised in EU discourse on sanctions; but this occurs more often for the sake of the Union’s credibility as a foreign policy actor than due to a realistic expectation of target change. Findings suggest that the internal rationales of the sender that underlie the use of sanctions – and which have little to do with whether the target changes or not – ought to be reassessed within our understanding of sanctions as foreign policy tools. Moreover, the appropriateness of sanctions as tools for doing something has become taken for granted by many debate participants.

The chapter begins with a presentation of the methodological considerations that underpin the choice of data for the following chapters. Thereafter, I outline the difference between effects and effectiveness, which proves to be central for distinguishing between the different logics of action. While the pursuit of effectiveness is a common characteristic to both official documents and EP debates, only a small group of statements explicitly link this aim to target change through concretised norm promotion or coercion. Instead, effects on the self, achieved through ‘doing something’ and punishment, are dominant. It is possible that doing something and punishment can be achieved without any target change at all and turn out to be ultimately self-oriented actions. While punishment could, in principle, be connected to qualified hopes for target change, it rarely is in EU discourse.

Aside from these politically charged logics of action, there is also evidence of a logic of action for which procedure is more important than inducing target change. Emphasis on legal or other institutional factors are particularly frequent among Commission and Council representatives. The EU is both a political and a bureaucratic animal, and its institutional logic is often complementary to the logic of identity formation. By logical progression, what comes next is that obedience to institutional norms enables consistency, which in turn enables the EU to gain in credibility as an international actor.

Repeated concerns regarding credibility indicate that the EU conceives of sanctions as identity markers for the Union. However, the picture is qualitatively divided. Some contributors believe that sanctions are good for the EU’s external image, as suggested by arguments that present sanctions as ‘doing something’ and norm promotion. According to other arguments, however, sanctions are hurtful for the sender insofar as they are expressions of double standards, unjust punishment, and illegitimate coercion. The debate unmistakably plays out as a showdown between the pros and cons, where the common denominator that bridges the antagonisms is a search for credibility.

## Studying Sanctions and Data Selection

According to the old Prussian principle of administration that ‘government is done in writing’, that which is not on file does not exist, and if, in your dealings with Russia or China, you discuss things behind closed doors without mentioning them in a communiqué, then politically speaking nothing has happened.

MEP Gahler, ID 406

Few political areas are as elite-centred and secretive as that of foreign policy. Moreover, the foreign policy of the European Union, with its 27 different competing wills, is even more imbalanced in this direction. Michael E. Smith (2000, p. 616; see 2004, p. 189) argues that the “norm of secrecy” is a prerequisite for confidence building between EU states. Since CFSP discussions “are *confidential*; states cannot use information shared during them to embarrass or blame other states” (emphasis in original). In Smith’s view, “[i]nstitutionalized communications and the engineering of trust are the foundations of the system” of EU foreign policy (2000, p. 616).

Data concerning many aspects of the sanctions policy are not openly accessible<sup>90</sup>. Preparation and decision-making take place behind closed doors and/or in informal settings. Archival research on the RELEX Sanctions Formation confirms this picture, as most listed documents are not public or only partially public. The Council safeguards this confidentiality especially with regard to “cases where the restrictive measures would impose an asset freeze” (Council of the European Union, 2011a, p. 6).

The lack of transparency of the policy poses problems for determining the ‘true’ intentions of the sender, but it is not as big of a problem for the study of sanctions as communicative acts involving the sender, target, and bystanders. This is because the output-side of the sanctions policy is, by definition, public and highly visible, and thereby also accessible for research (see Lindsay, 1986, p. 154 and p. 170, Olson 1979). Thus, I side with MEP Gahler above and have decided to take that which is officially expressed to mean that which is politically relevant.

The principal data sources for the chapters on the EU’s self-understanding are central official documents from the Council and the Commission together with a database that contains all statements on sanctions made in European Parliament

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<sup>90</sup> The same holds true for the UN, with its “secretive and politicised UN’s Sanctions Committee” (Lynch 2008, p. 178).

debates between January 1999 and February 2012. The choice to systematically collect data in this way stems from the needs produced by the research question of the thesis. A comprehensive approach is needed to answer how the use of sanctions shapes the EU as an international actor. I wanted to capture the foreign policy tool of sanctions as fully as possible, without losing touch with the primary sources.

Several methodological advantages come with building a database from scratch. In particular, it overcomes the qualitative/quantitative-divide particularly efficiently. The relationship between quantitative and qualitative elements is not static or sequential, but dynamic and two-way. The qualitative reading results in a code that becomes a part of the quantitative picture. The researcher is able to consult each type of code in order to look up statements that have been coded with certain characteristics; this system enables the researcher to once again look over the gathered qualitative elements. Since the researcher tailor-makes the coding scheme to match the purposes of the study and is in control of the operationalization of relevant features, qualitative micro-findings can be systematically investigated quantitatively. Given the many layers of EU discourse on sanctions, this approach has proved to be indispensable for identifying and making sense of patterns of agreement and disagreement.

Practically speaking, my first step was to conduct word searches in the EP web archives, wherein I concentrated on finding statements including expressions starting with 'sancti\*' in order to include both verbs and nouns. These searches were complemented with other searches on 'embargo' and 'restrictive measures'. Word searches were a natural start point and enabled me to orient myself in a material as vast as EU parliament debates. As expected, the searches resulted in a lot of 'noise', i.e. hits that were not foreign policy related. For instance, my search net captured many statements discussing sanctions in the EU's stability pact. In the first qualitative read-through, statements that did not relate to foreign policy sanctions were removed. In addition, the sections of text containing statements that discussed foreign policy sanctions were cut down to the relevant information. Statements that did not contain the words 'sanction', 'embargo', or 'restrictive measure' were included on an exceptional basis when context and content could establish that the topic did indeed regard external sanctions.

The coding process was not a straightforward process that started with pre-defined indicators and progressed to ready results. As put by Crano (2002, p. 245):

in most content analyses, the investigator is concerned with a communication that

- (a) was not elicited by some systematic set of questions chosen by the analyst,
- (b) probably does not contain all the information he or she would like it to contain,

and

- (c) is almost invariably stated in a manner not easily codified and analyzed.

In part, my initial experience was similar. However, I found that these obstacles could be overcome by simply never losing track of the core interests that underpinned the analytic categories. In addition, the parliamentary debates proved to work very well for my analytical interests. Luckily, EU politicians are energetic, open-minded and full of opinions on sanctions. Coding the formal Council decisions, for instance, would prove to be a much more 'forced' task, which I experienced in a pilot study.

I opted for statements as the unit of analysis for the coding. One statement corresponds to a single debate entry by either an MEP, Commissioner, or Council Representative. These debate entries vary in both length and focus. In some entries, sanctions are the main point, whereas in others they are mentioned only in passing. This variation was considered to be an asset, insofar as it revealed how sanctions are discussed within different contexts and in relation to other foreign policy tools. The statements were coded with respect to 9 variables that mirror the analytical framework developed in chapter 2 together with 7 background variables about the speakers. The dataset contains a total of 563 identifiable debate participants.<sup>91</sup> About half of the individuals contribute with only one statement each and thus account for less than a fifth of the total number of statements. In comparison, the statements of the 17 most active debate participants stand for more than a fifth of all statements.

For all participants, name (for identification), age, gender, nationality, position, time in Parliament (if applicable) and party belonging were coded. In an initial stage, I coded all background variables for all statements, using official information provided by the European Parliament web site. I kept the coding of background variables separate from sanctions variables, to be sure not to be influenced by knowledge of individual attributes when coding the sanctions variables. The substantively most important variables coded are: 'expressed *attitude* on sanctions', 'proposed *direction* of action', '*concept* of sanctions', 'reasoning on the effects on *self*', 'reasoning on the effects on

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<sup>91</sup> For 40 of the statements there is no natural person connected to the statement. These are statements from the institutions of the Presidency or Council. Eight statements have been coded for more than one MEP.

the *target*', 'mentioning *other actor(s)*', and 'type of *relationship* expressed with the other actor, as expressed by individual'.

The intense engagement with primary sources also provided new perspectives on the development of suitable categories for quantitative analysis. When a new category emerged at an early stage of the coding, I would include it and begin all over. When such insights occurred at later stages of the coding, I paid careful attention to the aspect qualitatively. If not, refining the categories could have gone on indefinitely; to construct a database is a time-consuming task and a continuous learning process.<sup>92</sup>

All aspects of how the EU's sanctions policy relates to its external identity cannot be obtained by textual analysis alone. Nevertheless, a study of the most central expressions of EU sanctions policy will be able to seize a significant part. A start point is provided on the External Action Service's web page for restrictive measures (2012) [since December 2010, before that European Commission]. Documents from the EU institutions establish the formal parameters of the sanctions policy. However, on their own they do not say much about the Union's deeper self-understanding as a sanctioning actor. Therefore, an important part of the corpus of the thesis is made up of sources that are less formal and of a more argumentative character, including parliamentary debates, speeches, and interviews.

In a sphere where policy-making largely takes place behind closed doors, with little to no public insight on what occurs there, the EP is the best forum for debate within the EU-system that is readily accessible for research. However, the EP is not only a forum for internal debate between MEPs, it is also where Council and Commission representatives come to defend and discuss actions taken. Of the 1552 analysed statements on sanctions, 272 were made by representatives of the Council or the Commission.<sup>93</sup> Together with official documents from the Council, the High Representative, and the Commission, the data collected for the thesis is both wide-ranging and in depth and represents different degrees of formality.

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<sup>92</sup> I did not expect, for instance, that 'other actors' would be as challenging to code as they turned out to be. Mainly, I was overwhelmed with the number of actors that appeared in the data. In my desire to keep the data as exact as possible, I coded all occurring combinations of other actors as unique values. At a later stage, the long list of variable values was merged into geographically clustered values to facilitate analysis.

<sup>93</sup> 121 Council, 119 Commission, 32 High Representative

Considering the central role of the Council in the intergovernmental field of sanctions, paying this amount of attention to European Parliament debates might nonetheless seem peculiar. As Henry Kissinger's still much quoted confusion about who to 'call' to talk to 'Europe' suggests it is far from evident 'who' the EU is in foreign policy let alone in the field of sanctions. In times of crisis and a possible re-nationalisation of politics, this old question is once again topical. In any case, even at the height of European foreign policy (if ever such a time existed), few would mention the EP as the most important player. Obviously, the external relations of the Union are constructed in a complex institutional web where both horizontal (intra-institutional) and vertical (Member State – EU) levels are relevant. Although the European Parliament's formal mandate in the CFSP is marginal, it has a remarkably active and engaged approach to its own powerlessness. As we will see below, the sanctions policy is also a prioritised domain for the internal 'identity formation' of the EP and how it positions itself vis-à-vis other institutions (see EP report 2008, § 71, p. 18, and also the comment made by the Committee on International Trade on p. 25). The EP has a long history of "view[ing] itself as the 'conscience' of the EU" and has a remarkable activity level in the field of foreign policy (Smith M. E., 2004a, p. 171). Often, the EP has favoured an augmented use of conditionality and it has paid particular attention to sanctions ever since the South African case (Smith M. E., 2004a, pp. 171-172).

The EP is a highly relevant study object precisely because it lacks decision-making power. With power comes responsibility, with responsibility follows vulnerability to criticism, and with vulnerability to criticism follows secrecy and silence. Instead, as stated by Michael E Smith: "[d]espite its lack of more substantial EPC [CFSP] powers, *or perhaps because of this lack*, the EP became noted for taking often controversial positions on international issues, mainly with regard to human rights" (Smith M. E., 2004a, p. 171, emphasis added). The EP is louder, angrier and less diplomatic than ministers and heads of government ever will be in public. Therefore, the EP discourse cannot be seen as a proxy for the other EU institutions, those are covered by official documents and their appearances in Parliament. Instead, as the only directly representative European institution, the EP discourse may be viewed as a proxy for a European discourse on sanctions. It is only for reasons of space and feasibility that other significant discursive agents – national parliaments, media, civil society organisations, and 'ordinary' European citizens have been omitted from the study.

Before I present the evidence on logics of action, it is necessary to make a final clarification concerning the difference between effects of sanctions (what sanctions do to targets) and the effectiveness of sanctions (the fulfilment of subjectively defined purposes).

## Effects and Effectiveness

Second, there is a more general problem about sanctions, particularly EU sanctions. Do they really work?

MEP Pinior, ID 849

MEP Pinior wonders whether sanctions really work; he is not alone. Throughout the data studied for this thesis the importance of making sanctions more ‘effective’ is repeated. Yet, there are many different ideas of what success and failure in sanctioning are. Basic logic tells us that sanctions are effective when they manage to fulfil their goals. If sanctions have effects that bring the actor closer to its goal, they have been effective. However, in contrast to other forms of critical foreign policy – diplomatic demarches or other types of verbal condemnation – sanctions must go beyond rhetoric and take concrete form; they must *take effect*. In the end, this depends on implementation, which is not primarily actuated by politicians and bureaucrats in Brussels, but by individuals in banks, airports, and diplomatic representations.<sup>94</sup> In other words, imposing sanctions is a perlocutionary speech act; it calls for something to be done.<sup>95</sup>

Approximately 70% of the statements made in the studied EP debates refer in some way to the effects of the sanctions.<sup>96</sup> However, as you can see in the table below, the evaluation of the effects of sanctions is far from univocal. Corrected for those that do not mention effects at all, 58% of the statements speak of no effects or negative effects. Only 3.1% of statements mention observed positive effects, whereas 34.6% justify their position on sanctions with reference to hopes of effects, making it the

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<sup>94</sup> The threat of an impending sanction may at times be more efficient than an actual sanction in inducing target change, but a threat is a threat and not a realised sanction.

<sup>95</sup> This is fully in line with how sanctions are inter-subjectively constructed through a struggle over meaning rather than over material facts. The action-orientedness has simply proven to be central to the social construction of sanctions as policy tools.

<sup>96</sup> The numbers in this section is based on a subset of the database, 1999-09 – 2010-07, n= 1136. The qualitative analysis takes into account statements until 2012-02.



single most frequent value. Importantly, though, almost one third (30.5 %) of those who argue or worry that sanctions have no effects or negative effects still have a positive attitude towards the adoption of sanctions. For the statements that focus on the absence of effects or on implementation problems, almost half (48.8 %) are positive (34.2 %) or very positive (14.5 %) to sanctions.

Table 3.1 Observed and Expected Effects\* of EU sanctions

	<u>All statements</u>	<u>Statements mentioning effects</u>	
positive effect	2.1 %	3.1 %	Total 37.7 % positive effect or hope for effect
hope for effect	23.25 %	34.6 %	
both positive and negative effects/ambiguous effects	3.2 %	4.75 %	
fear of no effect	3.2 %	4.75 %	Total 58 % no effect or negative effect
no effect	9.7 %	14.4 %	
implementation problems	7.1 %	10.6 %	
fear of negative effect	6.2 %	9.2 %	
negative effect	12.5 %	18.7 %	
not mentioned	32.7%		
	99.95%		
* % of n=1066, excluded 70 missing values.			

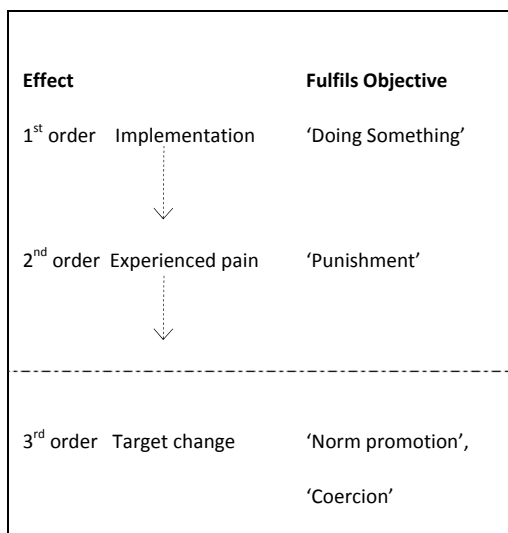
When I describe sanctions as ‘definitionally effect-oriented’, I refer to simple first-order effects, that the measures in question are actually implemented. In the world of targeted sanctions, first order effects are: the successful freezing of assets, actual travel restrictions, and de facto end of arms sales. For these effects to occur the measures need to be successfully implemented. If companies continue to sell arms, if listed leaders keep going luxury shopping in Europe, if the assets of individual targets cannot be identified and frozen, then we have an implementation problem, and sanctions will not have an effect in these respects.

Second order effects only occur when the target is inflicted material or immaterial pain through the sanction. An individual who does not possess big assets

abroad, or who does not bother travelling to Europe, will not be hurt in this way by the sanction even if it is successfully implemented. Similarly, only the target that cares for its reputation will be inflicted pain through the naming and shaming of sanctions.

In order for sanctions to be able to change the target, proper implementation and the target's experience of pain are necessary but not sufficient conditions. As put by Adam Winkler (1999, p. 138): "[W]hether sanctions are effective in achieving policy goals is a separate question from whether they inflict significant harm on the target population". Thus, even if sanctions have noticeable effects on the ground – on targeted individuals or on society on the whole – this does not mean that they will fulfil an end goal of enabling target change. It can be difficult enough to succeed in taking the first two steps. Yet, it seems to me that the toughest threshold for sanctions is represented by the translation from implementation and inflicted pain into willingness to change. This is because target change builds on a combination of assumed psychological and political factors that often turn out to be lacking in actual sanctions cases. Figure 3.1 illustrates the aforementioned reasoning in three layers of effects and their corresponding objectives.

Figure 3.1: Effects and Objectives



When politicians declare “that these sanctions can be effective” (ID 151; ID 910), that “it is essential to impose effective sanctions” (ID 861), or that “you need to have results!” (interview EU delegation to the AU 2010-12-07), it is not automatically clear which level of effects they are referring to. If the objective is simply to “do something”,

successful implementation is enough for sanctions to be effective. If the actor finds that it is suitable to simply ‘punish’ the target, any time a target is hurt by the sanctions – symbolically or materially – they would be considered effective. For sanctions to be effective in terms of changing the target, however, the implementation needs to successfully enforce punishment *and* a mechanism must be in place that successfully transforms this pain into target change. Only then do we have successfully performed norm promotion or coercion through sanctions. This is what is required for the first logic of action – changing the target – to be fulfilled.

Table 3.2: Attitudes and Functions of Sanctions

		+	-
on target	1 <sup>st</sup> level <b>IMPLEMENTATION</b>	Doing Something	Double Standards
	2 <sup>nd</sup> level <b>PUNISHMENT</b>	Individual Responsibility	Collective Punishment
	3 <sup>rd</sup> level <b>TARGET CHANGE</b>	Norm Promotion	Imperialistic Coercion

Table 3.2 displays the operationalized meanings of sanctions for each level of effect and the attitude towards the use of the instrument. For Logic of Action 1 – *changing the target* – to be supported the reasoning needs to reach the third level of effect, which depends upon the first two conditions being met. This may correspond to the positively connoted ‘norm promotion’ or the negative equivalent ‘imperialistic coercion’.<sup>97</sup> While achieved target change can also contribute to Logic of Action 2 – *creating the self* – 1<sup>st</sup> or 2<sup>nd</sup> level effects are enough. This chapter will show that while doing something and enforcing individual responsibility are both seen as positive contributions to the EU’s credibility as an international actor, double standards in case selection and sanctions that work as collective punishment are found to shape the EU’s international identity negatively. Logic of Action 3 – *habitual sanctioning* – may work procedurally to realise

<sup>97</sup> Naturally, target change can be discussed without evoking either of the previous levels.

either of these functions, depending on what the institutional setting proscribes. Empirically, it results in emphasising the 1<sup>st</sup> and 2<sup>nd</sup> levels of effects.

## Changing the Target

Participants in EU foreign policy debates often wish for leaders in other countries to change their policies. However, few of them articulate concrete ideas as to how sanctions can transform 1<sup>st</sup> and 2<sup>nd</sup> order effects to 3<sup>rd</sup> order effects, i.e. target change.

There are plenty of statements that speak of target change as an abstract hope. They are clustered into two categories: on one hand, there is positively connoted ‘norm promotion’ and, on the other, mostly negative judgements of sanctions such as the use of coercion in order to guarantee one’s own interests. The “naïve theory” of sanctions (Galtung, 1967), according to which infliction of harm on a whole society should eventually lead to political disintegration, is absent in EU discourse. As MEP Wiersma (ID 617) states: “We believe it makes no sense to develop sanctions that affect the people of that country”. Not once are ‘ordinary people’ mentioned as possible agents for facilitating regime change because of their suffering from sanctions. Even when humanitarian suffering is tolerated, it is presented as an adverse effect. It is foreign to EU discourse that citizens would have a derived responsibility that legitimizes value deprivation through sanctions. This contrasts with Clawson, who argued that “[t]o hold citizens guiltless for the sins of the government that rules over them is to remove an important motivation for them to remove that government” (1993, pp. 19, 20). In his view, ordinary Iraqi citizens were “less guilty” than the regime, but not “pure innocents” (1993, p. 21).

The new strategy for highly regime-critical sanctions is to get ‘the people’ on the sender’s side. This is why Commissioner Kovács speaks of ‘significant’ popular support for Lukashenko as “bad news” (ID 615), Council President-in-Office Winkler (ID 626) wishes to relax visa rules “specifically and concretely to those people who we want to receive here and show how western democracy works”.

For sanctions against Iran, the principle of keeping people unharmed is compromised by the urge to make sanctions ‘effective’. A few MEPs from the conservative bloc claim that even if sanctions harm the people they should nonetheless be considered to be an expression of support for the people against their repressive

regime. MEP Stevenson (ID 1077) thinks that “tough sanctions” will “show the ordinary people of Iran that we back their protests”. MEP Juvin (ID 1034) recognises that sanctions “will have consequences for the lives of Iranian citizens”, yet he believes that is a lesser evil to indifference: “the worst thing for Iranian citizens, Mr President, would not be the shortages caused by these sanctions; the worst thing would be our silence, our failure to act”.

Regardless of how we judge the effectiveness of sanctions, targets of sanctions undoubtedly do change in positive directions for reasons that may have more or less to do with sanctions being put in place.<sup>98</sup> Much belief in the ability of sanctions to induce comprehensive policy change is derived from the case of anti-apartheid sanctions against South Africa. Together with Rhodesia (now Zimbabwe), it has a special place in the sanctions literature. Rose (2005, p. 465) writes:

The case of Africa, where after two decades of sanctions induced South Africa's racist government to overturn its apartheid policies and external pressure led to Rhodesia's (now Zimbabwe) transfer of power to the African majority and move to independence in 1980, is a conspicuous exception to the historic pattern of punitive sanctions.

Most MEPs, however, refer to South Africa as an example rather than as an exception. As MEP Janusz Onyszkiewicz (ID 904) states: “Mr President, sanctions are an important tool in foreign policy. They undoubtedly led to the fall of apartheid in the Republic of South Africa”, or in the words of MEP Erik Meijer (ID 906): “Mr President, sanctions were a suitable instrument to gradually put an end to the worst forms of colonial rule and to apartheid in South Africa and Southern Rhodesia.” MEP Eija-Riitta Korhola (ID 930) uses the South African example to emphasise two parallel functions of sanctions: to express moral disapproval and to promote change:

On the one hand, they [sanctions] are a moral message from the European community of values and, as such, a valuable signal. On the other hand, they can have a tangible impact on the development of the target state. Both these aspects have definitely been important in cases where actual lasting results have been achieved, for example in the dismantling of South Africa's apartheid policy.

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<sup>98</sup> While it is hard to isolate the influence of sanctions from other factors on such occasions, proponents of sanctions tend to attribute positive developments in a sanctioned country to sanctions (i.e. Burma, Côte d'Ivoire).

Sanctions should, in principle, be lifted if the target changes in a way that resolves the wrongdoing that the sender initially reacted to. Were sanctions to be imposed as reactions to election fraud, they would reasonably be lifted after ‘free and fair’ elections were held and the government of the people’s choice had successfully taken power. Were sanctions to be imposed due to the use of forced labour, a successful target change would signify the end of this practice. Were sanctions to be imposed because a regime puts dissidents in jail, measures might be lifted upon the release of these last. These may appear to be simple judgments, but in reality they are always made in a politically sensitive context (on Uzbekistan, see Portela 2009).

The oldest case of EU sanctions still in force, the EU arms embargo against China, illustrates well that it is an interpretative exercise in deciding when the target has changed enough for measures to be lifted. Imposed in reaction to the Tiananmen events of 1989, the European Council “solemnly requests the Chinese authorities to stop the executions and to put an end to the repressive actions against those who legitimately claim their democratic rights” (European Council, 1989). However, on the same occasion the Council asks for authorities to “respect human rights” and even “to take into account the hopes for freedom and democracy deeply felt by the population”. Over the years, China has changed much and has become an economic giant. In the wake of this change, a “political will” to lift the embargo has evolved (Council of the European Union, 2004b, p. 2). It is well-known that the embargo is practically pointless and at the same time politically sizzling. Due to its non-binding character as a community measure (the only that remains in force), it has basically no effect on arms sales to China. Still, it is an important symbolic issue for China (Gaenssmantel, 2009), and the possible lifting of the embargo has proven to be contentious for the EU. MEP Staes is resolved to keep the embargo: “even to consider lifting the arms embargo on China is in fact an outrage that cries out to Heaven” (ID 479). MEP Malmström (ID 478; see also Flautre, ID 475) argues that “[i]t is our credibility that is at stake, and that is more important than the French mirage aircraft, the Swedish JAS Gripen or German submarines.”

A complicating factor in the Chinese case, as in many other cases, is that the sanction is detached from the norm violation. Sanctions are normally triggered by specific, concrete events – ruthless killing of demonstrators, new intelligence on nuclear plants, election fraud, war crimes – and when they enter into force, the harm from

these events has already been done. Since acting upon the wrongdoing is retrospective, the target change can never fully correct it. Instead, the target change will typically be envisaged in broader and less concrete terms than the norm violation. This means that the measure in and of itself cannot cure the ill, and any target change must necessarily pass through an intermediate mechanism that *induces* the target to comply. Comprehensive embargoes, trade sanctions, travel restrictions, as well as sports and cultural sanctions, are examples of measures that are normally imposed due to norm violations outside of those respective fields (see ID 701 proposing to ban Sudan from international football). These sanctions cannot *constrain* the target to cease its norm violation, but may be used as part of a wider coercive strategy or with purely symbolic/punitive intent (cf. Giumelli, 2011). Embargoes on certain goods (eg. arms, military and surveillance technology, ‘blood diamonds’) or freezing assets that are argued to feed terrorism activities, can on the other hand have a constraining effect without necessitating that the target comply.

The EP report states that targeted sanctions are preferable to comprehensive sanctions because they “directly affect the people responsible and are thus more likely to bring about change in the policies pursued by those people” (European Parliament, 2008, p. 8). Yet, sanctions that are directed at individuals are seldom constraining. Asset freezes have the potential to make illegal wealth accumulation more difficult and hinder the financing of norm violations, but they are often poorly implemented. Travel bans may be troublesome for the individual, but they do not compel the targeted individuals to stop violating norms in their home country. Instead, these measures are supposed to induce target change by altering the individual’s cost-benefit analysis. However, the sender is often convinced that nothing less than a systemic change would be necessary for the norm violation to stop. This shows not the least from the tendency to place all blame for a given violation in a country on an individual, usually the dictator of that country (Saddam Hussein, Robert Mugabe etc.). Under such circumstances, the boutiques on Champs Elysée might be very tempting, but for most leaders remaining in power is an all-encompassing goal that luxury shopping cannot compete with. That targeted sanctions alone would make autocratic leaders actually give up power, or ‘terrorist organisations’ to cease with their activities, is therefore unlikely.

The following section focuses on statements that discuss sanctions as norm promotion. Most of these are not contemplated in terms of the constraining effects on

the target's *practical ability* to engage in norm violations. If measures are not constraining, target change simply cannot be implemented, but needs in some way to be induced. Typically, positively framed expectations of target change are very loosely articulated. Simply put, target change presents itself as a way to 'do good'. Hence, statements that focus on norm promotion usually place EU strategic interests on the sidelines.

## Norm Promotion

We do this with regret, but we feel that we have been left with no other option than to be tough in order to be kind.

MEP Matsakis, ID 675

Norm promotion is a type of cushioned coercion, where sanctions are used to bring the target of the sanctions back into the normative community. As Matsakis stated above, it is a matter of being "tough in order to be kind". Similarly, MEP Dybkjaer (ID 135) speaks of the EU's successful policy towards Central and Eastern Europe as "an iron fist in a velvet glove".

Since sanctions are always reactions against norm violations, they signal a form of defence of the violated norm. In this superficial sense, the sanctions policy constitutes a type of norm promotion. Norm promotion is also established in the CFSP as a fundamental point of departure. Article 21 of the Lisbon Treaty establishes that the Union shall "advance in the wider world" a number of principles: "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law". The Basic Principles for the use of sanctions (Council of the European Union, 2004a) are introduced with a more specific commitment "to the effective use of sanctions as an important way to maintain and restore international peace and security". Two paragraphs later (§ 3), it is stated that sanctions should be used "in support of efforts to fight terrorism and the proliferation of weapons of mass destruction and as a restrictive measure to uphold respect for human rights, democracy, the rule of law and good governance". Note that counterterrorism is mentioned first in this enumeration. The principles do not specify in any further detail the objectives of sanctions; which is curious considering that § 9 of the same document states that "our objectives should be clearly defined". The



guidelines on implementation and evaluation (Council of the European Union, 2005) more explicitly present target change as the purpose of the policy, though what this constitutes is not specified.

In general terms, restrictive measures are imposed by the EU to bring about a change in policy or activity by the target country, part of country, government, entities or individuals, in line with the objectives set out in the Common Position.

The European Commission is more precise and speaks of target change in relation to four broad norm violations:

Sanctions are an instrument of a diplomatic or economic nature which seek to bring about a change in activities or policies such as violations of international law or human rights, or policies that do not respect the rule of law or democratic principles. (European External Action Service, 2012; European Commission, 2012a).

Effectiveness is also discussed in the EP in terms of normative compliance on the part of the target. Below is an extract from Rapporteur Flautre's introductory speech during the debate on the 2008 report on sanctions (ID 890):

'Effective in relation to what? In relation to what we are trying to achieve. As regards violations of human rights or international or humanitarian law, what we must aim for is a change in the behaviour of those being targeted. That is the key point. Sanctions are neither a punishment nor the application of a kind of European criminal code for international use. Sanctions are, politically, a tricky tool to handle and are very demanding to implement, and they seek to achieve a change in practices and behaviour.

Flautre is backed by other MEPs who discuss target change. Here in particular, the EU's sanctions policy takes on the characteristics of a human rights policy. Koppa (ID 895) states that "Sanctions are not a means of changing the world, but they can be an important tool for compelling countries that violate international law and human rights to change their policy". Also MEP Szejna (ID 945) speaks of sanctions as tools that "serve to ensure compliance with the fundamental principles of international law, democracy and human rights". MEP Konrad Szymanski (ID 897) provides a more fluid conception of effectiveness by equating it to "implementing objectives in the spheres of both security and the defence of human rights". RELEX Commissioner Ferrero-Waldner

(ID 924) emphasises that sanctions are “just one of our foreign policy tools”, and that “with all these tools we want to achieve one thing: upholding and promoting human rights.” Finally, Brok (ID 55) speaks about the promotion of human rights through sanctions as being central to the EU as a global actor:

As a global actor, the European Union must take greater account of human rights, both at home and abroad, in the form of a stronger human rights policy. It must prove itself to be a community of values. It must act preventatively within the scope of its foreign and security policy and its development policy and must react by applying sanctions, for example, by suspending assistance.

Some MEPs express the idea that democratisation goals may be achieved with sanctions. Grabowska (ID 919) thinks that sanctions “serve to defend democracy” and MEP Erik Meijer (ID 906) considers sanctions to be a “useful instrument to bring about more equality and democracy”. Van den Berg (ID 500) “hope[s] that, by using smart sanctions, by taking the path that we, the European Union, are taking, and in consultation with those other countries, we shall do our utmost to take that democratic step there [in Zimbabwe].” Posselt (ID 47) is upset with plans to lift sanctions against “rump Yugoslavia”<sup>99</sup> even though the condition of releasing political prisoners had not been met. To “gain in credibility and act clearly and robustly in the interests of democracy and the rule of law” requires that sanctions be maintained. Finally, Barrot from the European Commission (ID 835) “believe[s] that what we want is to apply as much pressure as possible to ensure that Burma moves towards democracy at a faster pace.”

In sum, there is definite support for a conception of effectiveness that sees some kind of target change as ‘that which must still be achieved’. However, sanctions are usually discussed in an open-ended fashion, as channels for the promotion of certain norms and values, mainly human rights and democracy. In most cases, this is taken as sufficient justification of the policy’s objectives. The fact that it is not further specified why the EU sets out to promote these norms implies that target change in this sense is the end goal. In other words, reasoning about objectives is not always ascribable to purposes related to the EU as a sender. Instead, some debaters speak of the EU’s moral duty and responsibility to promote norms and values through the use of sanctions.

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<sup>99</sup> The expression “rump Yugoslavia” was sometimes used to describe the remaining two republics of Yugoslavia, Serbia and Montenegro, after the Balkan wars.

However, for some speakers norm promotion through the adoption of sanctions is intimately associated with certain positively defined identity attributes. MEP Urszula Gacek finds it "vital that the EU reviews its sanctions policy, not only with the aim of achieving the desired changes in offending nations, but also to ensure its own credibility." An EU diplomat underlines that the EU does not only care about changing the behaviour of targets, but also about "being perceived in the world as an institution that promotes values, that takes values seriously enough to demand improvement from its partners" (Interview, December 2010).

Finally, it should be recalled that a majority of those who explicitly discuss the effectiveness of sanctions worry that they have no effects at all or actually incur negative effects. Yet, it is commonly believed that the ineffectiveness of sanctions can be corrected with more of the same medicine (cf. ID 1514). The EP Report states that "the argument of the 'ineffectiveness' of sanctions cannot be used in favour of lifting them" (European Parliament, 2008, p. 10; also p. 19), and MEP Andriukienė (ID 902) maintains that "sanctions are and should remain an integral part of the common foreign and security policy".

## Coercion

We are only bolstering the Mullahs when we continue this policy of appeasement.

We need to take tough sanctions. Toughness is the only language these Mullahs understand.

MEP Stevenson (ID 1033)

Giumelli (2011a) hypothesises that in the event that an actor perceives that it is exposed to a high security threat, coercive sanctions, i.e. sanctions that seek to enforce target change, will follow. Translated to this thesis, this would imply that claims that the EU's security is threatened coexist with articulated hopes that sanctions will be able to enforce change. With the exception of sanctions against Iran, however, MEPs rarely justify their positions with references to security threats. Instead, normative statements of right and wrong in world affairs appear to take priority in parliamentary discourse. This is in itself not in disagreement with Giumelli, who concludes that the EU uses "signalling sanctions" far more often than it uses coercive sanctions.

This section will deal with the general discursive framing of coercion through the use of sanctions. Before that, however, a few lines will be dedicated to the case where

threat-images figure most prominently. Over the last couple of years, the EU has gradually intensified its sanctions against Iran. By 2012 the sanctions package proves to be a mix between traditional sanctions directed at crucial sectors of the economy and targeted sanctions against individuals deemed important for nuclear enrichment activities.<sup>100</sup> This is “an unprecedented set of sanctions” as stated by British Foreign Secretary William Hague (Blair, 2012). The Council Decision of 26 July 2010 declares that measures focus “on the areas of trade, the financial sector, the Iranian transport sector, key sectors in the oil and gas industry and additional designations in particular for the Islamic Revolutionary Guards Corps (IRGC)” (Council of the European Union, 2010). The Council Decision of 23 January 2012 makes a number of amendments to the 2010 decision. Most significantly, it adds a prohibition of “the purchase, import or transport from Iran of crude oil and petroleum products, as well as of petrochemical products” and imposes restrictive measures against the Iranian Central Bank (Council of the European Union, 2012). Judging from the council decisions, there is no expectation of *direct* target change with regard to the norm violation, but the measures are hoped to spur Iran to come to the negotiation table. The sanctions are used “with a view to supporting the resolution of all outstanding concerns regarding Iran’s development of sensitive technology in support of its nuclear and missile programmes, through negotiation” (Council of the European Union, 2010).

The Iranian case is one of few where references to international threats are used to justify sanctions. Iran’s nuclear activities are spoken of as “the most serious global threat” and “an existential threat to the State of Israel in particular” (MEP Tannock, ID 1422; also ID 1430; ID 1436; ID 1437; ID 1440). Hence, the threat is globally and regionally defined, and Europe is not perceived to be directly in danger. Moreover, in spite of the substantial issue at hand, the threat is not only understood in security terms, there is worry that the nuclear crisis and the international turbulence that it creates will have economic costs. MEP Provera (ID 1368) wants to closely coordinate sanctions with the US in order to counter the threat posed by Iran. He argues: “This threat has not only political and military repercussions but also economic and strategic ones, because it may affect oil production and thus have economic and financial consequences that would have a direct impact on us as well.”

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<sup>100</sup> Since March 2011, the EU has a separate sanctions regime in place for individuals judged responsible for human rights crimes in Iran (Council of the European Union, 2011d).

Expectations of compliance by causing comprehensive economic harm would be reminiscent of the naivety of old-school sanctions. Opinions are split on whether sanctions against Iran will even be able to bring about the intermediate aim of facilitating negotiations. Already in 2008 MEP Mitchell (ID 948) declared that sanctions against Iran “have not worked”, and observes: “[a]t times it is very hard to see in this game of cat and mouse just who is the cat and who is the mouse”. Iran has unusually good conditions for turning the tables, not the least since in this case “the economic interdependency is clearly symmetrical, or even tilted in favour of the third country” (Kotzian, Michèle, & Urdze, 2011). Hence, when Al-Jazeera interviewed three young men on the streets of Teheran in late January 2012, they were all convinced that an oil embargo would be the EU’s loss (Al Jazeera English, 2012).

Even in this case, where target change would be in the EU’s strategic interests – as they are currently defined – to show resolve and position itself in world affairs might be an equally important and perhaps more realistic goal. Van Rompuy (ID 1124) is right that sanctions against Iran are a reaction against “one of the most delicate issues in world politics today”. While the High Representative ensures that sanctions are not an end in and of themselves (Ashton, BBC News, 2012-01-23), they provide a very good occasion with which the EU can position itself on the international stage. With regards to the oil embargo, both German Foreign Minister Guido Westerwelle and Secretary Hague place emphasis on the “resolve” that the EU has demonstrated. Hague adds that the Union is “taking a very strong lead in world affairs on the issue” (Blair, 2012).

While very few statements mention security threats for the EU, speakers do place value promotion in contrast to sanctions and use a language replete with coercive connotations. Notably, the most common metaphors for sanctions are taken from the sphere of warfare. Sanctions are “a form of warfare”, “a weapon of mass destruction” (ID 58, ID 61), a “blunt weapon” (ID 23), “a precision weapon” (ID 52), “the sharpest weapon one can use” (ID 902), “one of the weapons in the EU arsenal” (ID 911), “unacceptable and inhuman weapon” (ID 947), “one of the weapons used in the war on terror” (ID 95), “sanctions are genocidal” (ID 707), “a blow above all to the Belarusian people and not to the leaders of the authoritarian regime” (ID 707). It is remarkable how an instrument that was seen as an alternative to war for so long (Barber, 1979; George, 1991) is itself described “in terms of war” (Lakoff & Johnson, 1980).

The metaphorical view of sanctions as a type of warfare does not presume that the target is induced to change; quite the contrary. Actually, most of the statements using this kind of language only speak of infliction of harm, a.k.a. punishment (which will be discussed in the following section). However, the infliction of harm – symbolic ‘naming and shaming’ or material punishment – is occasionally connected to an expectation of target change. MEP Ford’s humoristic contribution alludes to ‘naming and shaming’ (ID 581, emphasis added):

If Robert Mugabe is metamorphosed into the coach of the Zimbabwean bobsleigh team, he should not be allowed to travel to Turin. If Khin Nyunt is transferred to chief administrator of the Burmese windsurfing squad to visit my own constituency in Weymouth in 2012, he should not be given a visa. I would make an exception if either were to compete, as *nothing undermines dictators around the world as effectively as the world’s laughter*.

Moreover, statements that sanctions – “the fist” (ID 698) – are “the only language” dictators understand are recurrent. Czarnecki (ID 1091) is convinced that “[i]f Lukashenko does not understand the language of European values, he will certainly understand the language of sanctions”. A number of representatives share the belief that making sanctions tougher will make them “work” (ID 1020, ID 833, ID 770, ID 1113, ID 743, ID 748).

Another group of statements see the use of sanctions as illegitimate coercion in the disguise of value promotion. Polish MEP Pęk (ID 468) from IND/DEM equates sanctions with an unlucky promotion of “so-called values” that might “impoverish our societies and economies”, in turn diminishing the importance of the EU as an international actor. He concludes: “others will take our place” and “we will actually reduce our chances of improving the enforcement of human rights throughout the world”.

MEP Athanasios Pafilis of the Greek Communist Party is one of the EP’s most active critical voices when it comes to sanctions. According to him, the EU’s use of sanctions, “on countries, peoples and governments that stand up to capitalist barbarity” (ID 911) is illegitimate since the EU “has no right to interfere in [...] internal affairs”, and problems “need to be resolved by the people themselves as they so choose” (ID 733, see also ID 501). He calls sanctions against Zimbabwe “a barbaric policy” (ID 733), “the most shameless open intervention” (ID 911) that “causes thousands of people to die”

(ID 733), and measures against Belarus are “fascist type sanctions”, part of an “imperialist plan” that “infringes every concept of international law and it is equivalent to a declaration of war against a people standing up against imperialist barbarity” (ID 631). Kourakas (ID 189) also speaks of EU intervention made in the name of human rights as the “imperialist aspect of the European Union”. In the same style of arguments we also have Theonas (ID 117), who finds it unworthy of an institution “which proclaims itself a guardian of democratic principles and values” to impose sanctions, and goes as far as to accuse the EU of staging elections “in order to secure a pro-European outcome”. Finally, MEP Angourakis (ID 1142) calls “The European Parliament’s sensitivity on the issue of human rights [...] the fig leaf for the aggressive foreign policy of the EU” and MEP Alyssandrakis (ID 383) warns that “when the European Union talks about human rights, the people have every reason to worry”.

Statements about the EU’s use of sanctions as crude imperialism are normally made from MEP’s on the radical left and to a lesser degree from the Eurosceptic parties on the far right. Judging from the voices in the EP, there is an ideological dimension to how sanctions are viewed. More on this will follow in chapter 4.

## Collective Punishment

Around 67.5% of US criminal offenders are rearrested and 25.4% return to prison within three years of their release (Langan & Levin, 2002). The deterrent effect of criminal penalties is not impressive, at least for those once they have stepped over to the wrong side of the law. In the same way, we are well aware that sanctions may consolidate the identities of targets as bad guys rather than enable them to change direction. MEP Gacek (ID 927) writes:

The criminal justice system serves to punish, deter and to rehabilitate the offender. In the same way sanctions broadly serve the same purposes. Our criminal justice systems may punish, but how successful they are in deterring and rehabilitating is open to question. Likewise, sanctions often have limited impact on deterring and rehabilitating nations which break international law and violate human rights.

However, this section will demonstrate that punishment through the use of sanctions may not necessarily be an attempt to deter or rehabilitate. Wolfgang Wagner (2010, p. 5) extends Durkheim’s (1984 [1893]) argument that “an important function of criminal

law is to make society aware of the norms and values it shares” to sanctions in international relations. If the analogy holds, punishment is a key factor in understanding how the use of sanctions shapes the EU as an international actor.

Thus, drawing on criminal penalties in domestic politics as an example, sanctions may be understood as an institutionalised form of punishment used in reaction to certain types of wrongdoings. These references are not necessarily coupled with any value statement or other elaboration on why, how, or with what consequences an actor decides to punish another. Instead, some statements simply present sanctions *as* punishment (see chapter 1). One example is MEP Jonas Sjöstedt’s question (ID 93) to the Council about “sanctions”<sup>101</sup> against Russia, where he establishes that “the European Union has *punished* Russia for its military action in Chechnya by reducing aid” (see also MEP Sylla, ID 378).

For some statements, punishment appears to be the *objective* of sanctioning. MEP Tannock (ID 1090) considers that targeted sanctions “offer an effective way to punish those who perpetrate the ongoing instability”, making sanctions the tool with which to achieve the objective of punishment. MEP Watson (ID 509) thinks that the EU should base “its ambitions for the wider world” on “the projection of soft force of political dialogue, exchange, economic incentives and sanctions, humanitarian relief and trade agreements”. These tools should be used in a way that “rewards good governance” and “punishes tyranny”. It is of note that for neither of these punishment-positive statements has any expectation of target change been articulated.

In most cases, however, the concept of a punitive foreign policy is condemned. It is Öger’s (ID 917) opinion that EU sanctions “ought not to be an aggressive political instrument”, since “[s]anctions that punish the civil population are counterproductive and miss the actual point”. Also Agnoletto (ID 899) criticises EU sanctions as punishment: “In short, we need more cooperation and less unilateral punishment.”

In contrast, many statements in favour of sanctions build on the argument that they are not a form of, but rather an *alternative* to, punishment. Grabowska (ID 919; see also Van den Bos ID 219, ID 325) encourages the EU to communicate this message to EU citizens: “by informing them that sanctions are not a primitive punishment, but a

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<sup>101</sup> The aid cut under the TACIS program is not formally a sanction, but a form of conditionality-provoked countermeasure.



natural, healthy reaction to a serious violation of the law, and that they serve to defend democracy.” In the debate on her report on sanctions, Flautre (ID 890) battles the *use* of sanctions as punishment and rejects the idea that sanctions *are* a form of punishment:

What is today’s debate on sanctions in fact about? It is essentially about two things: the first is a critique of the use of sanctions to punish dirty rotten scoundrels on the international scene, namely anyone who tries to block my strategic interests: politicised sanctions with double standards. [...] Sanctions are neither a punishment nor the application of a kind of European criminal code for international use.

Then RELEX-Commissioner Ferrero-Waldner (ID 924) adheres to this position, underlining that “we should promote human rights and save the wider population, not punish them, either economically or otherwise”. At the same time, she argues in favour of targeted sanctions, which aim to “deprive those leaders or those responsible for human rights violations of any positive possibilities”. Thus, from this perspective, comprehensive sanctions are equated with punishment whereas targeted sanctions would represent something else that is directed at responsible individuals but not framed as a form of punishment.

Nonetheless, several MEPs think that sanctions are unjust because they punish the *wrong targets*. This position is not necessarily contrary to the act of punishing in principle, but disagrees with who is being punished. This issue primarily concerns the humanitarian effects of sanctions. For instance, MEP Karamanou (ID 128) calls for economic sanctions against Iraq to be lifted on the basis of having personally seen how the embargo “punishes the civilian population without weakening the Iraqi regime”. MEP Sørensen (ID 185) deplores the “isolation” of Afghanistan and puts forward that “the only consequences of the sanctions is that a sorely tried people is being punished” [sic]. She also points out that sanctions may have consequences in Europe, since the punished people “can do nothing but flee to camps in the hope of reaching Europe” (ID 185). MEP Guerreiro talks about the “unjustifiable punishment of the Palestinian people” and declares that “the time has come to put an end to what are effectively sanctions” (ID 632, see ID 398 for a similar statement on Israel). In a similar spirit, Beglitis (ID 637, see also ID 460 on Cuba) questions the rightfulness of EU reactions to the Hamas election victory in 2006:

Given that the EU recognised the democratic outcome of the elections, why is it now electing to punish the Palestinian people for the free democratic expression of their will? Since when has the European Union and Council of Ministers decided to impose economic sanctions on peoples and their democratically elected governments?

Finally, Sarah Luford (ID 1052) warns that sanctions and punishment run the risk of negatively impacting the EU as an international actor:

However tempting it is, the Council can only be an influential player politically, as well as with economic support, if it resists the temptations – motivated sometimes by frustration at one or other of the parties – to have some sort of sanctions or punish one or the other.

Thus, the language of punishment has a largely negative connotation within the EU. This contrasts with Doxey's (1983a, p. 92) observation that politicians "protect themselves from later accusations of failure by asserting that punishment, not target compliance, is the object of the exercise." Yet, the *spirit* of punishment still permeates parts of the EU discourse on sanctions. Many speakers seek sanctions with more "bite" (ID 441), and call for "a tough line" or "further tough measures" (ID 210, 222, 304, 385, 403, 411, 524, 536, 558, 560, 625, 660, 770, 883, 1002, 1077, 1132). These statements only occasionally express expectations of target change (see previous section). Instead, their argument focuses on the successful imposition of harm, which signifies punishment. While the explicit language of punishment is avoided, repeated emphasis on resolve nonetheless suggests that the EU seeks to take on a 'tough-guy' identity through its adoption of sanctions. To give one example of many, Van Orden (ID 770) argued about Burma: "tougher sanctions must now follow if the EU is to retain any credibility on the world stage".

## Individual Responsibility

The disappearance of collective punishment as an objective is a consequence of the introduction of targeted sanctions. Targeting individuals with sanctions implies depriving them of something that they are believed to cherish. In this sense, targeted sanctions are acts of punishment. However, targeted sanctions are usually not framed in these terms but rather as the exercise of individual responsibility. In sum, while the precise term 'punishment' seems to have acquired negative connotations through its

association with comprehensive sanctions, individual responsibility has been coupled with targeted sanctions, in the 21<sup>st</sup> century lingo.

The emergence of targeted sanctions marks the conclusion of a controversy over who is to blame for the humanitarian catastrophe unfolding in Iraq from the sanctions that have been brought against it. 102 O’Sullivan (2001, p. 1) argues that:

[D]espite substantial evidence to the contrary, Saddam Hussein has successfully convinced much of the world that the woeful humanitarian condition of Iraqi civilians is the result of sanctions, not of his reluctance to ease their pain...this widespread misperception of Western culpability for and indifference to the suffering of Iraqis [...] has transformed sanctions fatigue into sanctions outrage.

Indeed, many MEPs were furious over Iraq sanctions and calls for smart or targeted sanctions begin to crop up in EU debates in the early 2000s. MEP Poos’s judgement (ID 148) is representative of the majoritarian opinion:

Politically speaking, they are ineffective. Legally, they can be called into question.

Morally speaking, they are intolerable.

Fifty-five percent of all statements regarding sanctions against Iraq in the database are negative or very negative. The 27 % that are positive or very positive statements<sup>103</sup> are mostly from the Commission and Council. MEP Morgantini (ID 63) feels responsibility and guilt for the sanctions, and wishes for the “end of all embargoes everywhere throughout the world”, MEP Morillon (ID 65) speaks of “clear consciousness” and asks for the lifting of “sanctions which have never achieved their goals” and MEP Crowley (ID 131) worries about the “negative effects in publicity terms” of sanctions. In contrast, Commissioner Verheugen (ID 88) emphasises “that responsibility for the dreadful conditions in that country lies solely and entirely with Saddam Hussein and his regime” and argues that sanctions must be kept in place (also Commission, ID 129; Council, ID 131).

Nevertheless, only a few months later Commissioner Chris Patten opened up to the possibility of “replacing the present sanctions regime by, what is called in the

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<sup>102</sup> The issue of responsibility has broader scope. In March 2001 (ID 163) the Council answered to comments about the humanitarian consequences of sanctions against Afghanistan arguing that “these targeted sanctions are aimed against a regime which, due to its ruthless pursuit of the civil war and of its massive violations of human rights and the international humanitarian law, is primarily responsible for the disastrous situation in Afghanistan.”

<sup>103</sup> Only 4% are very positive.

jargon, 'a smart sanctions programme'" (ID 146; see also Patten, ID 253; Danielsson, ID 153 for the Council). MEP Kinnock's (ID 195) statement on visa restrictions and asset freeze illustrates well the intended transformation: "smart sanctions [...] will not hurt the poor people of Zimbabwe but would certainly hurt those Zimbabweans who very much like coming to London to shop in Harrods or visit their children who are in British public schools" (see also ID 196, 197, 203, 207, 208, 209).

Even as targeted sanctions are internalised in EU discourse as 'smart', 'wise', 'intelligent' sanctions (ID 919), the principled opposition to imposing harm on ordinary people is not absolute. The 2003 Guidelines (Council of the European Union, 2003, p. 6) "take account of the humanitarian consequences" and the Basic principles (Council of the European Union, 2004a, s. 3) aim to "reduce to the maximum extent possible any adverse humanitarian effects or unintended consequences for persons not targeted or neighbouring countries"<sup>104</sup> (see also Council of the European Union, 2005, p. 6; Council of the European Union 2009, 12390/09, p. 34; European Parliament, 2009, p. 14, 20). Similarly, many speakers in the debates favour sanctions that have "minimal" implications for citizens, thus conceding that sanctions "will inevitably leave their mark on society" (ID 153, 1130).

If the move away from comprehensive sanctions was provoked by the fact that senders felt responsible for the harmful effects of sanctions, the aim of targeted sanctions should be to strengthen individual responsibility in international relations. Sanctions should target "those to blame" (ID 943), "the right people" (ID 626), "those responsible" (ID 793; 626; 909; 924), those who have "personal responsibility" (ID 758), "anyone who is responsible" (ID 732), "those people in power" (ID 385).

Yet, responsibility with regards to targeted sanctions is in practice not strictly personal. The EU interprets responsibility broadly and targets the spouses, children, and other relatives of those responsible who do *not* hold official roles and therefore are not directly responsible for norm breaches. This is likely necessary for sanctions to be effective in terms of actually inflicting harm. Were this not the case the leader could, for instance, simply transfer assets to a close relative and thereby avoid the punitive intentions of the sanctions. Yet, it is a deviation from a principled stance of individual responsibility, as it is understood in criminal law. While MEP Korakas (ID 189) considers

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<sup>104</sup> The very fact that neighbouring countries are mentioned proves that sanctions are not an affair between only sender and target.

smart sanctions to be the opposite of “blind” sanctions, it is not evident how far down the ranks the responsibility for a regime’s wrongdoings should go.

Moreover, the underlying structural factors of international crises run the risk of being downplayed and overlooked by the individualisation of responsibility. Pique i Camps, from the Spanish Council Presidency (ID 243), recognises that “[w]e very often fall into the trap of excessively attributing the causes of the conflict to individuals.” MEP Vigenin (ID 1116) also questions the tendency to diabolise the target, believing “that it would be a grave mistake to see the North Korean leadership in a way that is shown in Hollywood movies”. MEP Posselt (ID 680) also belongs to the sceptical minority:

I do not believe we can sort out problems by grovelling to Mr Putin at one summit and perhaps inviting the Chinese President to the next one, while taking it out on the mini-Putins and tinpot tyrants, and so I recommend that we adopt reasonable standards. Extend the sanctions? I say ‘yes’ to that. Denounce human rights violations? ‘Yes’ to that too. But as for spending part of Thursday afternoon imposing travel bans on every Head of State you can think of, well, that, I have to say, I regard as demagoguery rather than credible policy-making.

The analysed data shows that speakers largely build their convictions around references to individuals. Roughly 43% of all statements made with reference to identifiable cases (n=1401) include the mention of individuals deemed relevant for the judgment on sanctions. These statements may be connected to the individual(s) either positively or negatively. Certain dictators are very strongly associated with norm violations, and thus fall under the category of negative connotations. Other cases build on the testimonies of individuals who have been elevated to heroes and heroines. Both categories are important, but the association of a given situation with specific individuals varies largely from case to case. Positive mention of individuals emerges as a way for speakers to lend external justification to their position on sanctions. This is particularly common when a respected dissident speaks in favour of sanctions.

Undoubtedly, strong association of norm violations with political leaders frames the issue in a particular way. Lynch (2008, p. 183) writes about the earlier stages of pro-sanctions arguments in the Iraq debate:

[...] The dominant frame reduced ‘Iraq’ to ‘Saddam Hussein’, casting it as a strategic problem of coercing a particularly unsympathetic individual while hiding the impact of the policy on Iraq’s twenty-three million people.

We can recognise this frame in our dataset, where a total of 126 individuals or combination of individuals are discussed. A vast majority of all individuals mentioned are rulers blamed for the identified norm violation. Robert Mugabe, Saddam Hussein, Alexander Lukashenko, Bashar Al-Assad, Gaddafi, and Fidel Castro are the most commonly mentioned. Lukashenko is “a quintessentially *Homo sovieticus* type” (ID 1056, emphasis in original; also ID 1787, ID 1220), Fidel Castro is like “the Adolf Hitlers, the Stalins and the Maos of our time” (ID 590), or – alternatively – a “major revolutionary” (ID 592). Mugabe is “a sad figure who tries to have complete control over the law” (ID 271), and who has “destroyed a once prosperous country” (ID 837).

There are noteworthy differences between the cases when it comes to reliance on individuals for the interpretation of norm violations. Some of the most frequently discussed EU sanctions cases – Burma, Zimbabwe, Iraq, and Belarus are strongly associated with individuals. For Zimbabwe, Iraq, and Belarus allusion is made to the strong individual responsibility of the country leader, whereas with regards to Burma, it is Aung San Suu Kyi’s fame that comes through. This “young woman”(ID 386), “remarkable lady” (ID 537) – “who embodies freedom and democracy in Burma and throughout the world” (ID 372) is the second most mentioned individual; she is mentioned in almost two thirds of all statements on sanctions against Burma. Although San Suu Kyi herself had an ambivalent attitude toward sanctions, on almost all these occasions reference to her is made to strengthen an argument in favour of sanctions (see ID 370; 775). However, testimonies of dissidents are occasionally used in other cases to question the EU’s sanctions policy. MEP Liberadzki (ID 1092) shares insights he has gained by speaking to Belarusian opposition politicians Milinkevich and Borys, and MEP Gruber (ID 804) refers to e-mail communication with Shirin Ebadi in which this last requests a redirection of the EU’s priorities concerning Iran.

Other cases, in particular Iran, Sudan, China, Israel and Russia prove to be almost ‘faceless’. Iran is the most frequently discussed target of sanctions with 223 hits, but Ahmadinejad is only mentioned in 17 of these statements. Thus, in spite of the EU’s constructive engagement policy towards Iran, the partner for dialogue is usually kept nameless. Omar al-Bashir in Sudan is only mentioned in 5 of the 46 statements made on sanctions in response to the Darfur crisis.<sup>105</sup> This is remarkable considering that he is

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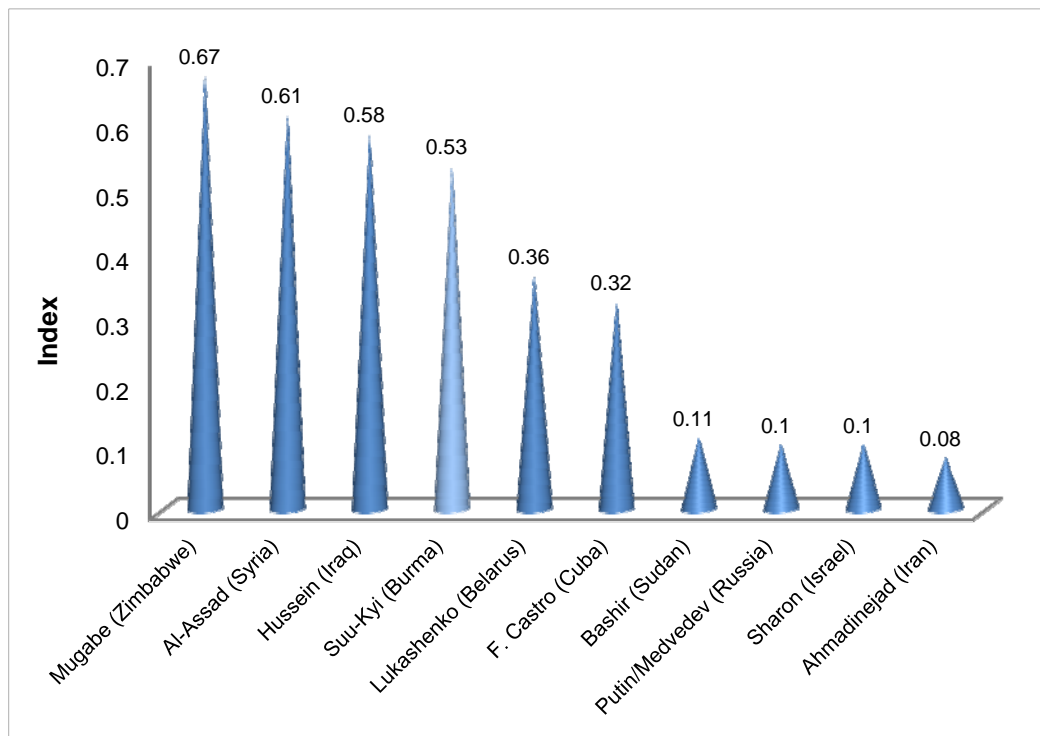
<sup>105</sup> In February 2012, al-Bashir is mentioned four additional times in statements on the importance of freezing the assets of authoritarian leaders.

even held to be personally accountable by the ICC, which has emitted a warrant for his arrest. Sanctions are discussed in 42 statements with regard to China, but do not name President Hu Jintao, Prime Minister Wen Jiabao, or any other government representatives or even dissidents. Vladimir Putin and Dmitry Medvedev are mentioned twice each in the 41 statements concerning possible sanctions against Russia. In the following table (3.2), the ten most frequently mentioned individuals are listed together with the ten most discussed sanctions cases. In the next figure (3.3), the association of the top ten cases to individuals is further illustrated. Because there is no mention of individuals in statements regarding China, Russia is included in the figure.

Table 3.2 Top-10 Individuals and Cases

<i>Top 10 - most mentioned individuals</i>	<i>Top 10 - most mentioned cases</i>
Robert Mugabe (Zimbabwe) 95	Iran 223
Aung San Suu Kyi (Burma) 73	Zimbabwe 141
Saddam Hussein (Iraq) 68	Belarus 141
Alexander Lukashenko (Belarus) 60	Burma 137
Bashar Al-Assad (Sudan) 57	Iraq 118
Muammar Gaddafi (Libya) 22	Syria 94
Fidel Castro (Cuba) 19	Cuba 60
Mahmoud Ahmadinejad (Iran) 17	Israel 49
Aliaksandr Milinkevich (Belarus) 17	Sudan 46
Morgan Tsvangirai (Zimbabwe) 16	China 42

Figure 3.3: Individual Association Index



The index presented in figure 3.3 shows the share of statements regarding a target country that contains a reference to the individual in question. Robert Mugabe is mentioned in 67% of all statements on sanctions against Zimbabwe and Mahmoud Ahmadinejad in only 8% of statements on sanctions against Iran.

This brief exploration of the importance of individuals is only a preface to the story of how ideas about individual international political leaders can and do play a role in justifying foreign policy choices. For now, we are left with the impression that there is a partial personalisation of politics surrounding international sanctions (cf. Karvonen, 2010).

The statements discussed in this section have all focused on the successful infliction of harm, be it referred to as collective punishment or individual responsibility. However, as Giumelli (2010) notes, “not only do EU sanctions not always bite, but often they do not create any distress at all”. The next section discusses a way of thinking about sanctions for which it is not required that the target be hurt. This is the sender-focused objective *par excellence* – i.e. ‘doing something’.



## Doing Something

In order to realise the objective of ‘doing something’, it is enough to simply implement the message. Even if the message fails to inflict harm on the target, the purpose of ‘doing something’ is fulfilled as long as the imposition of a sanction is successfully communicated. ‘Doing something’ through the imposition of sanctions in response to norm violations is understood to be a way with which to signal resolve and/or avoid complicity (ID 43, 207, 222, 321, 338, 513, 602, 672, 676, 873). The metaphorical denotation of sanctions as a (acid, litmus) ‘test’ (ID 912, 699, 674) is similarly self-oriented by the fact that taking action is favoured as a decisive attribute of EU identity.

These statements do not specify what the expected effects on the target are nor do they speak of incentives that will make it change. Instead, statements about the importance of doing something tend to take on a slogan-like form. Hence, Gill (ID 124) declares that “what we want is action and not words”, Saryusz-Wolski (ID 494) and Eva Joly (ID 1120) speak of sanctions as fulfilling a “duty to act”. Nooke (ID 730) announces that “[t]he EU cannot, and will not, remain silent on human rights violations”, and Saryusz-Wolski (ID 494) proclaims that “[w]e cannot stand idly by when human dignity and democracy is trampled upon.” Moreover, Parish (ID 197) gets applause for his call for “smart sanctions” against President Mugabe: “We have got to act and we have got to act now.” Van Orden (ID 207) also gets applause as he wishes for “action now” through the imposition of “smart sanctions” against Mugabe (also ID 208).

Sanctions are not only the fulfilment of a duty to act, but also a way to overcome powerlessness. Van den Bos (ID 238) discusses how increasing human rights violations may lead to a “feeling of powerlessness to do anything about it”. However, “Europe, the mother of moral values, should not resign itself to this” but continue to act, for instance through the adoption of sanctions. Similarly, MEP Aubert (ID 649) notes “a growing sense of powerlessness or fatalism”, and calls for the Union to fulfil its “duty to get involved”, by imposing sanctions against Sudan. Zwiefka (ID 1130) believes that well-designed sanctions can interrupt the efficacy of North Korea’s “nuclear blackmail” that has “paralysed the world”. Many frustrated MEP’s view sanctions as a way to move from words to deeds (see for instance ID 684, 238, 382, 420, 600, 817).

### Is action always better than passivity?

In a political culture where inaction is considered to be the worst disgrace, 'doing something' becomes the policy imperative. In a political culture where 'doing something' is the policy imperative, imposing sanctions becomes a convenient tool with which to respond to norm violations in international politics. However, in the absence of reasonable expectations of actually countering the norm violation, sanctions used for the purpose of doing something have more to do with "feeling good" than with "doing good" (Preeg 1999). If this proves true, is there any meaningful difference between 'doing something' and remaining passive?

The avoidance of complicity and the related responsibility of preventing that other actors may cause harm constitute the strong 'moral' basis for the use of sanctions, both in the discourses of the actors and in the literature on sanctions (Hart, 2000, p. 270). Hence, Rose (2005) reasons as follows:

A failure to respond would not only weaken those [international] norms and embolden other would-be aggressors but also encourage such aggressors to interpret this inaction as a form of consent.

Avoidance of complicity is the fixed point upon which the 'doing-something' rhetoric is built. Yet, if sanctions do not incite the target to change the unwanted behaviour, it seems mistaken to assume that doing something through the implementation of sanctions is always preferable to not doing anything at all. An alternative principle of action would be to 'do no harm' (Linklater, 2001; 2011). Considering the multitude of actions that are potentially harmful to someone, this is an equally, if not more, demanding principle of behaviour in international relations. Therefore, it is rather unrealistic that international players would strictly abide by this principle; they are far too action-oriented for that. Nevertheless, in a climate where passivity is equalled to complicity, this principle is useful as a moral counterproposal. This is especially important considering that the doubtful empirical record of sanctions is so often combined with high moral posturing. In consequence, arguments for which sanctions are seen as a way of 'doing something' should be evaluated against available alternatives, including positive engagement and non-action.

Baldwin however (2000a) remarks that:

In a sense, it is impossible for a country to “do nothing.” What is usually implied by such phrases is that a country should do what it would have done had the problem at hand not arisen.

At this point the EU has some sort of ‘business as usual’ (Baldwin, 2000a, p. 101) in most corners of the world. Therefore, Baldwin is literally correct when he asserts that to not impose sanctions means to stay active, and these actions may certainly have moral meaning and practical implications. If it were normal for the EU not to trade, not to engage in political co-operation, not to let leaders of foreign countries travel to the Union etc., it would consequently not be able to impose sanctions in these directions (see Baldwin 1985, p. 59 on economic statecraft as ‘abnormal’ activity). However, Baldwin’s remark remains little more than a word game. Doing something refers to a rupture with the status quo: it always implies the withdrawal of something judged to be precious to the target and often implies less sender-target interaction.

By adhering to the doctrine of action-above-all, those who refer to sanctions as a means to counter feelings of powerlessness have the impression that there is no other option for action. Either the EU does nothing, which goes against its duties, or it acts by imposing sanctions. However, even if we accept that the EU has a responsibility – be it moral, legal, or strategic – to ‘do something’ in response to norm violations, the construction of sanctions as the appropriate instrument for action signals a particular take on world politics. In other words, it is misleading to present the average policy choice as being one between the imposition of sanctions and inaction. Andris Piebalgs, Commissioner for Development (ID 1097) argues against sanctions whilst maintaining that “inaction would be the worst possible option for the credibility of the European Union as a global actor”. Instead, the commissioner wants to “pursue and deepen the ongoing political dialogue and continue cooperation with Cuba as a tool for improving the lives of the Cuban people”, in other words, the route of positive conditionality, or intensified engagement. Certainly, the prospect of a successful outside-in approach to norm promotion is limited regardless of which types of measures are used.<sup>106</sup> Hence, the powerlessness clearly felt by some speakers can be seen as a symptom of the limitations of foreign policy in general. However, this basic condition may be met with either a more aggressive idealistic or a more humble realistic stance. Under these

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<sup>106</sup> The obvious exceptions are full-scale occupation and long-term colonisation, which, for valid reasons, are no longer available options.

conditions, Etzioni (2004, p. 77) argues in favour of accepting “the severe limits of social engineering, especially by outsiders” and prioritising the “opening and detyrannizing” of societies. In this respect, and here he draws on Haass’ work on sanctions, empirical evidence “strongly suggests” that “engagement is much more effective than isolation” (2004, p. 83).

## Double Standards and the Prize of Credibility

So-called double standards are not allowed, however. By this I mean lack of consistency or equality when imposing or implementing sanctions.

MEP Rogalski, ID 947

The mention of double standards emerges as a negative equivalent to the ‘doing something’ argument. Just as the ‘doing something’ argument, the ‘double standards’ critique is decoupled from the effects on the target once implementation is in place. This argument is not about how much harm is inflicted on the target (punishment), or about whether the target actually changes (norm promotion/coercion). As Rogalski correctly states, the double standards critique is directed toward the level of imposition and implementation.

The dictionary definition of double standards is: “the application of different sets of principles for similar situations”.<sup>107</sup> In this sense, double standards are about unjustified different *measurements*. This is captured in how different languages refer to double standards: the Hebrew “Eifa Ve'Eifa”, the German „mit zweierlei Maß“, the Italian “due pesi e due misure”, and the French “deux poids deux mesures”.<sup>108</sup> In our empirical setting this means that different measures are applied to similar norm violations – when one measure results in sanctions for one target and does not in the case of another. In consequence, the basic critique is that action has been taken in one case but not the other, or that action has *not* been taken in one case but has been in another comparable case. The EU’s own reasoning on double standards emerges in two

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<sup>107</sup> This draws on an analogy with the principle of equality and impartiality before the law. However, it should be remembered that also in legal philosophy there are competing doctrines when it comes to how much circumstantial interpretation is allowed.

<sup>108</sup> Observations of double standards often overlap with accusations of hypocrisy, but the concepts are distinct. Whereas both hypocrisy and double standards are prerogative judgments, the first is more directly and deeply an attack on the actor’s identity. Double standards refer to what an actor *does*, but hypocrisy pinpoints a deceptive *character* seeking to “present herself in ways which will draw moral acclaim from a relevant audience” (Lynch, 2008, p. 169-170; see also Runciman, 2008).

main variants<sup>109</sup>: *standards employed for the self* are different than *those employed for others*, or *similar external situations are treated differently* from case to case. I will start with the first category.

In EP debates MEPs ask the Union, or certain Member States: to “keep its own house in order” (Posselt, ID 552; Gollnisch, ID 928; Karim, ID 597) to “practice what they preach” (De Rossa, ID 641) “begin by respecting the human rights of our own voters”, and “observe a couple of months’ ashamed silence” (Vanhecke, ID 901). Agnoletto (ID 899) even exclaims, “[p]erhaps we should sanction ourselves!”, when he spoke of EU treatment of the Roma minority.

Swedish President-in-Office of the Council Cecilia Malmström (ID 1032) also thought of the EU’s own record on human rights and democracy as the basis of its external credibility. She reasons that “internal shortcomings” of the EU may not be placed on the same level as “the terrible injustices committed in other countries” but nonetheless demand vigilance for the sake of credibility. Thus, the critique draws attention away from the alleged crimes of potential targets and turns it toward circumstances that are internal to the EU (see Human Rights Watch, 2012). Examples include the EU’s treatment of migrants and minorities (ID 641, 899, 921), disloyalty with international law (ID 641), and European past experience with police violence, terrorism, censure, and complicity in war crimes (ID 229). From the outset, this understanding of double standards questions whether or not it is righteous for the EU to criticise other actors. Consequently, it is on average a more radical critique than the second type; where different external standards applied to similar cases are debated.

The majority of those who claim that similar cases are treated differently do not doubt the EU’s moral right – or obligation – to use sanctions. MEP Flautre’s reasoning in the 2008 EP report (p. 19) is illustrative:

[...] criticisms regarding the application of double standards, based on the strategic importance of the partner (Russia), political differences within the Council (Israel, Cuba) and geographical location, tend to undermine its credibility. While such

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<sup>109</sup> A third variant concerns different standards in the past and in the present (see Jackson, 2000, p. 6). These emerge especially in debates about the Arab Spring-events. MEP Scurria (ID 1392) lifts the topic of EU funding “bestowed upon Syria – or rather on President Assad – until a few months ago”. He rhetorically asks: “Was he not a dictator before now? Has he only just started depriving his country of freedom and democracy?” Also, according to MEP Arlacchi (debate, 2011-04-06), for the EU to handle Syria, Bahrain and Yemen with “strength and credibility”, it first needs to “eliminate the double standards used in the past”, especially as concerns arms trade.

criticisms are justified, they cannot be used as an argument to simply abandon the instrument but should be taken into account in seeking to improve it.

Thus, the central conflict dimension here is not over the policy tool as such, but rather over which situations, circumstances, or cases are actually comparable. The issue of comparability turns out to be a highly subjective affair: the old saying of whether apples can be compared to pears comes to mind. MEP Désir (ID 737) asks whether sanctions against Sudan are “proportionate to the situation in Belarus and to the sanctions imposed on that country?” The Council Presidency (ID 738) answers: [c]omparison of the measures taken in relation to Sudan and Belarus is, in principle, possible and reasonable only to a limited degree, since the political circumstances of the two countries are completely different.” Other examples of comparison include: Lebanon with Darfur (701); Nicaragua with Colombia and Costa Rica (ID 1062); Israel with other countries in the Middle East (ID 239, cf. ID 996); Uzbekistan with China (ID 761) Nigeria with China, Tibet, Sri Lanka, and Sudan (ID 717); Burma with China (ID 819; 820), Belarus with Ethiopia (ID 633), Belarus with Israel and CIA (ID 1014), Iran with China and India (ID 1084), Iran with China and the United States (ID 635).

Size, economic status, geographical location and attitude towards Europe are factors that are found to unjustifiably determine the selection of cases, resulting in either under- or over-production of sanctions (European Parliament 2012, p. 5; ID 937; 532; 921). Examples include MEP Karim (ID 597), who argues that for “key countries” realpolitik and strategic partnerships beat human rights, and, MEP Kelam (ID 929), who accuses the EU of “trading human rights for economic benefits” and of turning “a blind eye” to big countries, “such as Russia and China”.

Speakers do not recognise, however, that the relative utility of sanctions in comparison to alternative policy options may depend on the depth and characteristics of pre-existing relations between the EU and the country.<sup>110</sup> In other words, towards countries with which the EU has close relations – i.e. where the EU has ‘interests’ –

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<sup>110</sup> Accusations of double standards may also occur after the selection of cases (who will and who will not be subject to sanctions), and address the different treatment of different sanctions targets accused of similar crimes. In principle, the EU commits to using sanctions as a part of a comprehensive foreign policy approach (Council of the European Union, 2004a). Yet, the EU does not have one recipe for how to combine engagement with sanctions. This study finds that the existence of a sanction is often understood to constrain the Union from using other external policy tools, including dialogue (chapter 6). These are implications that are *derived* from the existence of a sanction without being a formal part of it. The variation between cases when it comes to linkages drawn between sanctions and other external policy tools might very well be perceived as an instance of double standards by the disadvantaged target (see Smith, K. E., 2005, p. 27; also European Parliament, 2007, p. 4).

engagement or positive conditionality may have a greater shot at bringing about change than negative sanctions. If this is the case, restraining from sanctioning these countries might not be a matter of lacking courage or of promoting EU interests, but a justified policy calculation. This is a question of how flexible the EU's foreign policy is, i.e. to what extent contextual circumstances can and should enter into the decision-making equation (see Jackson, 2000, p. 23).

Although abstract connections have been made between double standards and the lack of effectiveness of sanctions, they are normally not connected to the absence of target change. In other words, the type of effectiveness in question is not specified. Thus, double standards are normally not discussed as a problem for the target-side, but rather as a problem for the EU and its credibility (ID 902; 598; 770; 921; 905; 595, 1483). As MEP Czarnecki, (ID 915) states: "the use of double standards in the sphere of violation of human rights is a disaster for the EU".

Most speakers who ascertain that credibility is damaged by double standards are in principle favourable to using sanctions as foreign policy tools. They conceive of double standards as a problem that must be fixed in order to save the credibility of the EU as a sender of sanctions and in the long-run as an international actor.

However, arguments regarding double standards are also used by opponents of sanctions. Over a third of the statements that refer to negative effects on the EU's identity – and double standards are important here – have a *strongly negative* attitude towards sanctions<sup>111</sup>. Guardans Cambó (ID 909) worries that sanctions may hurt the EU's credibility: "[w]hen they are imposed too frequently, and incoherently, as the European Union does, they lose credibility and so does the European Union." Beglitis (ID 460) also disapproves of the EU's "selective sensibility to the question of human rights and democratic freedoms" and welcomes the end of 'sanctions' against Cuba as crucial for "our collective credibility as institutions of the European Union". His conclusion about sanctions as "dead lock" policies that negatively impact credibility goes beyond the Cuban case:

as international experience has proven, isolation and segregation are not a credible or effective policy. Wherever such a policy has been applied, the people have ultimately paid the price.

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<sup>111</sup> For comparison, only a tenth of all statements have a strongly negative opinion on sanctions. This calculation is based on data subset: 1999-09 – 2010-07, n=1136.

Very few voices defend the EU against accusations of double standards. Representatives from the Commission and the Council are the only ones who – occasionally – stand up for the EU. Hans Winkler, President-in-office of the Council during the Austrian presidency, expresses himself as follows (ID 636):

I fully agree with Mrs Esteves and others that there should be no double standards and that the credibility of the European Union is the most important thing. That is why I reject all allegations that we distinguish between small and large countries. I do not think we treat one country differently from another, which is important.

Similarly, in a communication to the House of Lords, the European Commission argues that the Union has “been effective in improving EU decision-making in sanctions and in increasing consistency of the use and wording of sanctions instruments” (House of Lords Select Committee on Economic Affairs , 2007, p. 10). It is indicative of the institutional roles and distribution of power that criticism of EU policies more commonly comes from the EP than from the Council and the Commission. Since the EP is not responsible for the existing sanctions policy and does not have to (cannot!) bear the consequences of implementing its own proposals, it enjoys the benefit of freely expressing its opinions in the matter.

All in all, the speech regarding the prominence of credibility shows that sanctions are perceived as important identity markers, for good or for bad. For this type of reasoning, effectiveness in sanctions is therefore about constructing, or at least not undermining, an external identity, rather than about actually making the target change. In this case, what happens on the ground in targeted countries is in principle irrelevant, unless practical results are thought to strengthen the identity.<sup>112</sup>

The previous sections of this chapter have shown how the first two logics of action – changing the target and creating the self – play out in arguments about norm promotion, coercion, punishment, individual responsibility, ‘doing something’, and double standards. The next section is devoted to the third and final logic of action – habitual sanctioning – and how this last fits into the overarching discourse on how sanctions shape the EU as an international actor. Here, the topic of double standards re-

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<sup>112</sup> With a few exceptions, targets’ perceptions of double standards are left out. See, however, Council of the European Union (2011c, p. 133) on Syrian perceptions of EU double standards on human rights, and Council of the European Union (2006a) on the use of ‘core scripts’ to “address accusations of double standards” by third countries.



emerges as a central problem that ought to be fixed by a reduction in politics and the introduction of stricter routines.

## A Pavlovian Policy Tool?

Sanctions can be sometimes a rather Pavlovian foreign policy reaction: what is important is to examine the credibility of sanctions and to ensure that, where you put them in place, you apply them as rigorously as possible.

Patten, Commission (ID 450)

Patten states that the EU might, “sometimes”, turn to sanctions as a reflex without much political reasoning preceding the decision. Like Pavlov’s dog, which drooled at the sound of a bell in the hopes that a person would come with food, the EU reacts to certain conditional stimuli with regards to sanctions. It is, however, not an easy task to evaluate the possible influence that the third logic of action has. Unreflective action – be it practical or habitual – does not “lend itself easily to scientific inquiry” (Pouliot, 2008, p. 272). The logic of habit is intrinsically non-representational, yet we are confined to search for signs of it in the representational utterances of debates and official documents (Pouliot, 2008, p. 261). A truly mechanical use of sanctions – institutionalised as such throughout the EU system – would not be subject to political deliberations in the first place.

A fully mechanical use of sanctions, however, was never to be expected. What the data reveals is a lively political discussion about ways to impose boundaries on politics. These remain, however, political statements at the level of deliberate reflection on how to eventually establish a logic of appropriateness. It is remarkable that the parliament, considered to be the most democratic of the EU institutions, repeatedly articulates a sinister view on what (EU) politics are. In EP debates, politics unexpectedly often are considered to be illegitimate, interest-based action that gives rise to inconsistency and thereby hurts the EU’s credibility. In contrast, much faith is placed on legal regulation and ‘experts’. The arguments from politicians that seek to abolish themselves suggest that a possible deeper institutionalisation of the use of sanctions is still at an early stage, where conditions for ‘automatic mechanisms’ are still being debated. As we will see, in light of the range of opinions on this matter, it is unlikely that any formative consensus through deliberation will be reached. This impression is

strengthened in the account given in the following chapter of the ideological, and to a lesser extent national, dimensions of the EU sanctions discourse.

This section presents the dominant ideas on how to make the EU's use of sanctions more systematic and less political. It describes some actual measures that have been taken to further institutionalise sanctions. It also touches on the role of the European Court of Justice with regards to sanctions taken against individuals and the role of committees for CFSP restrictive measures in general. The section shows that while debate participants are impatient to see their personal convictions about sanctions determine a future mechanical application of sanctions, when taken together these accounts are far too contradictory to be rendered automatic. Likewise, the ECJ's position vis-à-vis the UN, and the secrecy of committee work, suggest that processes of Brusselization and legalization have not yet removed sanctions from the sphere of reflective action, but rather have succeeded in changing the playing field by the enhanced presence of these actors. However, in spite of the elevated level of contextual contestation, sanctions have discursively become a taken-for-granted reply to certain – highly subjectively defined – situations. This reconnects to the idea that sanctions are a way to 'do something', as discussed in the previous section. In other words, the agreed logic of appropriateness stops at a strong action norm: the EU seeks to create itself as a 'doer' on the international scene. In conclusion, the analysis does not disconfirm, but rather provides nuance to the presence of a logic of habit in the EU's approach to sanctions.

### **The EU as a Legal and Bureaucratic Animal**

While it is normal for lawyers to acknowledge that the legal-institutional framework "helps or hinders the EU to be an effective international actor", this dimension is often disregarded in political analysis (Cremona, 2008). The sanctions policy is a case in point for the ambivalent dynamics of competition and outsourcing power between the legal, bureaucratic, and political actors within the EU. On one hand, the ECJ, with regards to the disputes over sanctions against individuals, declared that fundamental rights regulated at the EU level cannot be compromised by UN sanctions, even though the EU is bound to implement these last.<sup>113</sup> While this was primarily a power statement vis-à-

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<sup>113</sup> The ECJ's judgment on the Kadi case needs to be mentioned here (Yassin Abdullah Kadi and Al Barakaat International Foundation v Council of the European Union and Commission of the European Communities, 2008). Mr Kadi was targeted by a Community restrictive measure that implemented a UNSC blacklist of individuals and

vis the international legal order, it also shapes the policy space for European politicians by enforcing legal norms, especially concerning procedural rights.

Since the Lisbon Treaty, the role of the Courts in the sanctions policy has been formalised further. Article 275:2 TFEU establishes that the review of the legality of measures taken under article 215:2 TFEU – i.e. sanctions against natural or legal persons (European Union, 2010b) – falls under ECJ jurisdiction. Wouters, Coppens, & De Meester (2008, p. 194) confirm that the Court's jurisdiction over these measures is a sensitive matter: "the fact that sanctions are often the result of a political decision [...] has led governments to argue that the judiciary should show deference when asked to assess the sanction".

Aside from these measures, the CFSP mostly remains outside of the ECJ's jurisdiction even after the Lisbon Treaty went into effect (European Union 2010a, Art. 24 TEU).<sup>114</sup> Yet, Wessel (2009, p. 141) observes that the Court is motivated by 'Eigendynamik'. Although it lacks formal jurisdiction, "'Common foreign and security policy' is an official ECJ collection of keywords which frequently appear at the opening of judgments" (2009, p. 134).

Not only is the ECJ strengthening its muscles, the EU may yet mutate into a bureaucratic animal in the foreign policy sphere. Wessel convincingly argues that "the absence of a 'Communitarisation' [has been] clearly compensated by a 'Brusselization'", which "makes clear that it is the European Union (rather than the states in an intergovernmental co-operation) taking the decisions, through fixed decision-making procedures on the basis of a largely institutionalised process" (2009, p. 142).<sup>115</sup> That the CFSP is subject to 'Brusselization' means that – in spite of the continued intergovernmental character requiring unanimity decisions – it has been moved from the negotiation tables of national politicians to increasingly autonomous preparatory

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entities to be sanctioned with asset freezing. The ECJ did not, in the end, judge whether or not the listing of Mr Kadi was substantially accurate. Instead, it established the autonomy and superiority of the European legal order over that of the international one: "[t]he ECJ's position is built on a consistent understanding of European law as a domestic legal order in charge of protecting its citizens and its own value system" (Eckes, 2009a, pp. 375-376). Kadi himself was granted certain procedural rights but remained on the list (Lavranos, 2009, p. 53).

<sup>114</sup> Art. 40, the general provision to safeguard that the CFSP does not interfere with other EU competences, falls within ECJ jurisdiction (see Šaltinytė, 2010, p. 265 ff.).

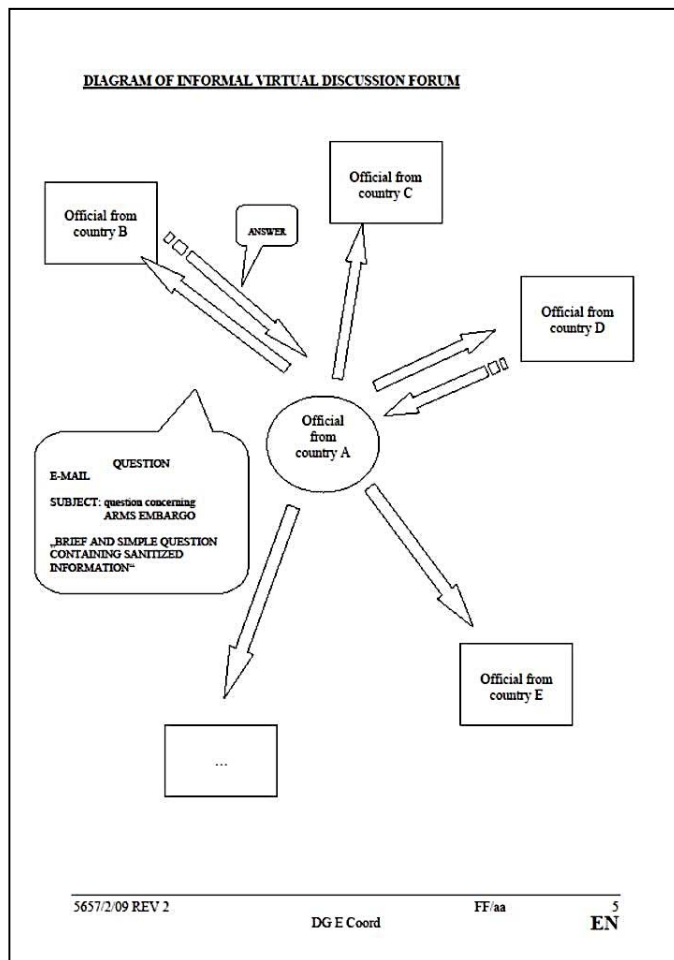
<sup>115</sup> A communitarisation of the CFSP would imply giving ECJ jurisdiction, the Commission legislative proposal rights, increasing the role of the European Parliament by making it co-legislator, and changing the voting arrangements from unanimity to qualified majority voting (Smith M. E., 2000, p. 615). Although to speak of communitarisation has become terminologically out-dated with the Lisbon Treaty's abolition of the Community pillar, the issues discussed are as topical as ever.

organs (Wessel, 2009, pp. 124, 128). Wessel points at how Brusselization becomes a convenient line of escape when political traditions and attachments to the nation-state hinder further developments in the integration progress. Any takeover of the highly politicised sanctions policy on the part of Brussels is still in its infancy.

Yet, progress in the legalisation and bureaucratisation processes may have a bigger impact on the sanctions policy than change from unanimity to qualified majority voting arrangements. This is because “only in exceptional circumstances does the Council indeed need to vote” (Wessel, 2009, p. 124). When issues are placed on the COREPER agenda, around 70% have already been solved, and by the time they are passed on to the Council, 90% have been settled (Wessel, 2009, p. 123). This preparatory work, however, is still primarily completed in negotiations between national representatives. Ironically, calls for improved implementation through institutionalisation may never be realised due to the institutional necessity of maintained flexibility. Mitsilegas (2007, p. 475) argues that double standards can be justified if they help the EU to “accommodate diversity” and reach unity. In a similar vein, Schmidt (2008, p. 310), claims that discursive vagueness may be helpful in international diplomacy by allowing parallel readings of content and implications in terms of required action.

A Brussel-dominated bureaucratisation is more likely to occur due to the recent reliance on “sanctions experts from the EEAS and experts from the Commission and the Council Legal Service” (Council of the European Union, 2011a, p. 4). However, the difficulty in agreeing on practical procedures for exchanges between experts is testimony to the fact that EU bureaucratic operations are far from running smoothly when it comes to sanctions. In a communication to the EU’s external delegations in 2009, the Czech Presidency noted that an appropriate forum for exchange between EU officials on sanctions was lacking and proposed “to set up an informal virtual discussion forum” (Council of the European Union, 2009a). This forum should enable voluntary and non-binding exchange of information of “sanitized character” (p. 2), i.e. anonymised information that is strictly limited to the issue at hand. In a diagram the Presidency depicts how the proposed forum ought to function; this diagram is reproduced below as it appears in the original document (p. 5). I leave it to the reader to judge whether this kind of initiative is likely to improve the output of the EU’s sanctions policy.

Figure 3.4: Diagram from Presidency Communication



### De-Politicisation, Consistency and Credibility

Flautre (ID 925) sees “calls for a more consistent policy, a more credible policy” as “something resembling a common philosophy”. Indeed, the theme of double standards as the disease and consistency as the cure for increased credibility is a red thread that runs throughout official documents and EP debates. Attempts to make the sanctions policy more consistent – including the Council’s adoption of ‘Basic Principles’ (2004a), ‘Guidelines for Implementation’ (2003, 2005), ‘Best Practices’ (2008) for the sanctions policy, as well as the use of ‘core scripts’<sup>116</sup> in political dialogue (Council of the European Union, 2006a) and the establishment of a “Sanctions formation of the Foreign Relations

<sup>116</sup> These scripts concerned issues including the “universal character of human rights; indivisibility of civil, political, social, economic and cultural rights; racism; right to development; religious freedom; human rights and counterterrorism”.

Counsellors Working party (RELEX/Sanctions)<sup>117</sup>, have done little to diminish policymakers' worries about double standards. In the 2008 European Parliament on sanctions, Rapporteur Flautre writes that "the EU has often applied its sanctions policy inconsistently" (p. 9, 20; see also Committee on Development, 2008, p. 22), and years later MEP Graham Watson wrote in a new report<sup>118</sup> that inconsistency "damages the EU's credibility and has a detrimental impact on the efficiency of those measures" (European Parliament, 2008, p. 9, see also Committee on Development on p. 22; European Parliament, 2012, p. 5). Thus, in spite of a range of institutional innovations, the message remains the same. Even the Council (2009, p. 3), in its conclusions on Democracy Support in the EU's External Relations, "affirms" that EU policies "should be applied more consistently".<sup>119</sup>

Nonetheless, the double standard critique is amplified over time and reaches a peak in debates over the EU's Arab Spring policies between late 2011 and early 2012. 120 Over the years, the problem has been framed at the level of application rather than at the level of principles (Gál, ID 907). A problem situated at this level calls for solutions

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<sup>117</sup> The working party is "dedicated to exchanging experience and developing best practice in the implementation and application of restrictive measures" and the formation of sanctions can be "reinforced as necessary including with experts from capitals" (Council of the European Union, 2004b; see also Council of the European Union, 2009e).

<sup>118</sup> The report focuses on sanctions directed at "when their leaders exercise their personal and commercial interests within EU borders". It was adopted with 54 yeses, 2 noes, and 1 abstention in the Committee of Foreign Affairs.

<sup>119</sup> The contractual use of negative conditionality –formally referred to as *countermeasures* even though conceptual confusion is common – is no less criticised for double standards than foreign policy sanctions. This adds to the impression that it is hard to 'institutionalise away' double standards. Agnoletto's draft report on "the human rights and democracy clause in EU agreements", "regrets the fact that the application of the clause has hitherto been overly dependent on geopolitical or socioeconomic considerations which have compromised its credibility, frequently reducing it to declarations of principle with no effect in practice, and subject on occasion to double standards, depending on the countries where human rights violations have been recorded;" (European Parliament 2005, p.5). In its opinion on the report, the Committee on Development calls for "transparent and consistent sanctions based on clearly-defined criteria on all third countries failing to respect the human rights clauses, in order to avoid a policy of double standards" (European Parliament 2006, p. 22). Other examples are Della Vedova (ID 239, 2004-04-24) who speaks about the "hypocritical" application of conditionality clauses in cooperation agreements, which "undermines the Union's internal and international credibility", and Margrete Auken (2006-01-19) who labels as a double standard the maintenance of "Israel's major economic privileges, despite the fact that they are expressly conditional on Israel's observance of human rights" while "the EU is trying to buy its way out of anything to do with the Palestinians."

<sup>120</sup> It is easy to understand that the 'Arab Spring' cases are considered to be sufficiently similar for which any difference in policy reactions could be labelled a double standard. Already calling the chain of public uprisings that started in December 2010 the 'Arab Spring' emphasises the commonality of the events. Yet, even though the people's motivations may have been similar, political conditions on the ground differ between the cases. It is well known that the internal circumstances in a target country influences the prospects that sanctions will positively impact developments (Nossal, 1999). Few contributors acknowledge that contextual factors may influence the relative utility of policy instruments. MEP Koumoutsakos (2011-07-06) is an exception, speaking of the "dilemma" of avoiding double standards "given that the situation in these countries differs from one country to the next".

such as “systematic enforcement” (ID 907), prompt implementation “without exceptions” (Council of the European Union, 2003), “specific evaluation and monitoring tools” (ID 898), and “sanctions committees and expert panels to monitor the implementation of EU sanctions” (European Parliament 2008, p. 13, 22). Again, while the proposed measures are supposed to lead to what is a normally unspecified ‘effectiveness’, above all they are at the service of the EU’s credibility. Romeva i Rueda (ID 898) speaks of “the double standards and the lack of specific evaluation and monitoring tools”.

While these statements are self-oriented, their scepticism towards the EU as a political actor is worth noting. Although the Flautre report writes that “[e]vidently, the current EU sanctions policy suffers from excessive ad-hocism”, the most common critique – also in her report – is not that sanctions are randomly imposed, rather double standards are understood as the outcome of an interest-motivated selection of sanctions cases (ID 22, 641, 909; European Parliament, 2012, p. 7). The 2008 report sees double standards as the result of “politicised sanctions”, and in the debate, rapporteur Flautre blames “the political contingencies of the most influential Member States” for vagueness and excessive flexibility in the sanctions policy (ID 890). Consequently, the report, through the introduction of “independent evaluation”, wishes to institutionalise benchmarks with which to lift sanctions that cannot be altered by later “political changes within the Council”. Moreover, “to give the EU’s policy credibility” she proposes “the creation of a network of independent experts responsible for helping the Commission with the difficult job it does” (ID 890). “Analyses preceding the design of sanctions” should be based on “objective information”, and “completely objective benchmark[s]” should guide the “evaluation of sanctions and their effectiveness” (ID 925; European Parliament 2008, p. 22)<sup>121</sup>. MEP Flautre is not alone in considering ways to tame the EU as a political animal. Many debaters worry about implementation issues (See ID 73, 211, 374, 600, 626, 764, 795, 891, 892, 1044). Van den Bos (ID 285; see also

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<sup>121</sup> The depoliticisation discourse does not generally go unchallenged in the debates (see contributions by Bogusław Sonik, Konrad Szymanski and Jas Gawronski 2008-09-03). Jean-Pierre Jouyet, Council President-in-office at the time, defends the political nature of sanctions (see also Tostensen and Bull, 2002, p. 394-395) and emphasises that the Council already has the benefit of taking the experiences of heads of missions and observations from Member States into consideration. Flautre herself also makes a distinction regarding the critical view on politics by clarifying that turning to a “network of experts” “is not a matter of using technical expertise to *replace* sensitive political decisions, but of ensuring that the sensitive political decisions are based as far as possible on objective information”. Yet, with regard to the issue of double standards, politics are – rightly – seen as the cause. That judgments of double standards prove to be very political is a telling irony. See Guzzini (2005) for an analysis of power and ‘politicisation’.

ID 895; 211) criticises the “so-called smart sanctions” for “not being particularly smartly enforced”, and Gál (ID 907) observes that “the diplomatic wrangling makes a joke not only of our policy of sanctions but also of the whole Union”.

The line of reasoning represented here advocates a depoliticised logic of action whether the decision to impose sanctions or not occurs via the automatic implementation of pre-established criteria. However, as we have seen in the previous section, actual attempts to improve routines for information exchange and get help from experts are still at an early stage. In addition, it is not clear which actors would be “constituted as experts” and on what grounds (Weldes, 1998, p. 222).<sup>122</sup> For matters as politically sensitive as sanctions it might be misleading to speak of independent experts to begin with.

The next section will show that the reasoning surrounding double standards effectively disproves the prospect that a consistent sanctions policy can be *designed* on the basis of objective information (European Parliament, 2008, p. 20, 22; see entire debate 2008-09-03). Whether or not “double standards are the hallmark of politicians” (Runciman, 2008), accusations that the EU has double standards and calls for ‘more consistency’ are unlikely to disappear under the current normative scope of the sanctions policy. On the contrary, with an expanding ‘norm portfolio’ claims to consistency will be increasingly hard to qualify.

## Mechanical Diversity?

This section proposes that identity construction through consistency is a *cul-de-sac*. Most international political history backs MEP Véronique de Keyser: inconsistency is “the law of the genre” (ID 533).<sup>123</sup> Ultimately, the issue of avoiding double standards – and their harmful effects on credibility – is about determining principles for imposing

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<sup>122</sup> For a much ‘harder’ science, Peter Weingart (1999, p. 151) finds that “the increased use of scientific expertise by policy-makers has not increased the degree of certainty, in fact it becomes de-legitimizing”. Weingart uses the examples of how Three Mile Island and Chernobyl became symbols “of the loss of scientific authority based on reliable knowledge and unanimous expertise, as well as of the loss of credibility of politicians who relied on it”.

<sup>123</sup> Indeed, inconsistency is a non-issue for most of the sanctions literature, presumably because of its focus on US and UN sanctions. The selection bias of UN sanctions is clearly the result of political games in the Security Council, rendering discussions of double standards misguided. Today, US norm promotion is subject to much double standard criticism (see Hobson and Kurki 2012), but during the Cold War no one questioned the selective use of sanctions on the part of the US (Damrosch, 1994, p. 62). Lynch (2008) addresses the ‘hypocrisy’ of the sanctions brought against Iraq, arguing: “The hypocrisy of almost every actor in the sanctions game was not simply a moral failure, or bad form; it was a key policy instrument” (p. 179). On institutionalised hypocrisy, see also Krasner (1999).



sanctions that can be applied in different contexts (European Parliament, 2008, p. 9; Franck, 1990, p. 163). This, in theory, is rather straightforward; it is much trickier in the complex realities of international politics. Wiener and Puetter (2009, p. 7) point out that “norms entail an inherently contested quality and therefore acquire meaning in relation to the specific contexts in which they are enacted.” When it comes to the dilemmas posed by decisions to impose sanctions against third parties, contextuality proves to be a delicate matter. Often, what one person holds to be a contextual factor of relevance, another will dismiss as a cover-up for inconsistent norm application. The pressure to act quickly does not cater to serious contextual understanding nor does it cater to deliberations on the meaning of norms to start with (Wiener and Puetter, 2009, p. 2). In other words, principled distinctions on how to deal with others in turbulent times, and without the benefit of hindsight, may not be readily available. Finnemore (2008, p. 221) comments on this difficulty as follows:

Formulating a general policy would require us to specify a priori which among several conflicting norms we will privilege regardless of circumstance or consequence, yet the ethics of these interventions depends very much on both.

Indeed, the EU lacks principles defined at a level that may be applied across multiple contexts. Moreover, the expanding ‘portfolio’ of norms makes this more difficult still. The discourse on sanctions shows that whereas human rights, democracy, and peace are uncontroversial to most as theoretical ideals, as soon as we leave standard-writings behind, consensus evaporates.

The attitude on when sanctions ought to be imposed range from the view that sanctions ought to be considered a policy of absolute last resort (see European Parliament, 2008, p. 9; also opinion from Committee on Development, p. 21; ID 524; 672; 899; 937; 947), according to which the policy challenge is to “identify mechanisms – even gradual mechanisms – to avoid sanctions” (ID 896), to the view that the EU should “set sanctions on every country where massive human rights violations are proven” (MEP Kelam, ID 929; also MEP Senyszyn, 2011-10-27), for which “any person who has ever violated international humanitarian law, especially during a power struggle, cannot be excused, and that we can then impose sanctions on those responsible” (ID 793) or for which “[s]anctions should be imposed against all the

countries where there is a certain [norm breach], not only where you can afford it” (interview with EU official December 2010.)<sup>124</sup>

Consistency implies very different things for those who see sanctions as a measure of last resort and those who propose that all instances of human rights norm violations justify the need for sanctions. A practice to sanction every single norm breach would lead to the creation of an endless sanctioning-counter-sanctioning spiral: a drastic push on the rewind-button for global interaction and engagement. This is hardly in line with the EU’s intentions and it is unrealistic that the Council would subscribe to imposing sanctions in even a good share of these instances.<sup>125</sup> The moment that any selection of cases can be seen as a double standard, abolishing this element through mass-sanctioning could seem like a possible solution. However, this is illusory since the use of the same yardsticks for different cases could be seen as an inversed double standard. One example of this is the ‘mainstreaming’ of HR criteria – all in the name of credibility – towards a diverse neighbourhood (Council of the European Union, 2009; European Parliament 2011, p. 13, 16).

As long as some proposed sanctions remain unrealised and others unrightfully come into being, there will always be someone who cries: “double standard”! This , more than anything else, is because references to double standards are employed as powerful markers of position in argumentation, both in favour and against the use of sanctions. Convinced debaters claim that the EU has a principled, normative, or legal obligation to act and compare ‘their case’ with precedents. A total of 125 combinations of targets or potential targets are present in the data (see chapter 5, pp. 201-22). Mentioned targets include 76 different countries. This means that the EP during this period discusses sanctions against what is roughly 40% of all existing states.

The second way to tame the multitude of perspectives in the spirit of a mechanical policy would be to use sanctions only against norm violations that are considered to be objectively identifiable. This would imply that there be a radical

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<sup>124</sup> Weber (ID 893), rapporteur from the Committee on Development on the EP sanctions report, speaks of sanctions as a “remarkable tool of external policy”, to be used with “wisdom and prudence”. In contrast, the EP Report (§ 21, p. 12) states that “failure to take appropriate or restrictive measures in the event of a situation marked by persistent human rights violations seriously undermines the Union’s human rights strategy, sanctions policy and credibility”. Thus, according to the report there is no frequency limit, and the Union should react to “persistent human rights violations” with sanctions (or, “appropriate measures”).

<sup>125</sup> As MEPs often take use the occasion to stress, emphasise that the EP has a reputation as an activist for human rights and as such it is expected to be proactive in proposing sanctions. Though, this study shows that support for sanctions is not as unequivocal as is sometimes proposed.

delimitation of the current scope of sanctions. Moreover, such identification is a contentious issue. All one must do is to take the crime of genocide, arguably the worst norm violation imaginable, and consider the definitional struggles concerning both contemporary and historical cases.<sup>126</sup> This does not mean, however, that norm violations in international politics are all subjective and that all circumstances are open for negotiation. On the contrary, there is no lack of cruel practices or human rights crimes that may be detected through the application of objective measurements. Yet, even a minimalistic and systematic use of sanctions builds on an initial political decision that sets the limits of toleration.

One example is the death penalty. It is easy to identify: either a state kills people in the name of the law or it does not. In this case, the EU's foreign policy approach actually shows remarkable consistency, condemning its use regardless of where it takes place.<sup>127</sup> As HR Ashton states: "In any country it is wrong. In every country, we try to make sure that we oppose it as effectively as we possibly can." Yet, even with regards to this clear-cut case of norm violation reactions are not identical and vary from case to case. Compare, for instance, HR Ashton's statements on the use of the death penalty in Iran, Iraq, USA, and Japan. That the EU does not impose sanctions against countries for using the death penalty is understandable because this would mean that many sanctions would have to be applied, including against its own allies.<sup>128</sup>

The issue of the death penalty clearly illustrates that consistency, when it comes to verbal protest, is one thing and sanctions quite another. The EU does react and routinely condemns a very broad range of wrongdoings, not only of the poor and weak but also of the large and rich. In the following statement H.R. Ashton defends the EU's capacity in this regard (ID 1276):

Can I say, too, that we are almost always the first to produce statements, the first to come out and say what we think should happen. It was my office that produced the non-paper on sanctions on Syria; we are in the driving seat. Not always reported, may I say, not always put forward in the press across the European

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<sup>126</sup> As is illustrated well by the Armenian case, labelling events in the past continues to be of importance for contemporary politics.

<sup>127</sup> It is no coincidence that Manners (2002) based his normative power Europe thesis on observations about the EU's will to abolish the death penalty.

<sup>128</sup> In addition, it might have something to do with the fact that a considerable, while decreasing, share of European citizens (passively) support capital punishment.

Union, but we are the first to actually put out our statements and we produce hundreds of them to make the point consistently of the importance of what we do; and consistency is a critical factor in what is being discussed today.

However, Ashton is well aware that if silence is the greatest sin in EU discourse, speaking is rarely considered enough (see ID 1263). We have seen that many calls for sanctions are justified with the need to stop *talking* and start *acting*; hence, yet again, the attractiveness of sanctions as tools for doing something. For the most willing advocates sanctions are already institutionalised as the appropriate response to international crises. The equation for which 'doing something' equals 'doing the right thing', and its *assumed* connection to the EU's own credibility, however, is blind to what sanctions *actually* do to targets and to the EU's standing in the world. It is reflective when dealing with the final purpose – credibility/identity formation – but thoughtless in earlier stages. This is not without its risks. As Kratochwil (2011, p. 41) states (with reference to Gross Stein, 2011, pp. 87-107): "‘doing the right thing,’ as specified by deontologically framed rules of humanitarianism, often prevents a critical examination of the problems while safeguarding the ‘moral’ standing of dangerous and harmful actions."

In sum, at the discursive level the value of sanctions in showing resolve and avoiding complicity is often 'taken-for-granted'.<sup>129</sup> It seems that certain attributes of sanctions have become self-reinforcing by virtue of their repetition over time. As Schmidt (2008, p. 312) notes: discourse "can not only commit the speakers themselves to action, it can also constrain the ideas, discourse, and actions of their successors." The operationalized contents of these attributes however continue to be contested. Ever-present disagreements in how the situations at hand ought to be seen – is there a norm violation; does this violation justify sanctions; is the EU in a moral position to sanction; will the EU's relations to other actors suffer from the choice to impose sanctions or not? – create a decision-making context that does not cater to mechanical sanctioning. All in all, the range of interpretations of EU double standards signals the EU's ambivalence with regards to where to draw its limits of toleration. This ambivalence is strongly

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<sup>129</sup> The contrary position also exists, i.e. where sanctioning is understood to make the EU complicit to the suffering of people in the targeted entity. However, in contrast to the former stance, this position is not taken-for-granted but is based on an argued connection between the sender's responsibility and empirical observations of what is going on in the target (see Lynch, 2008, p. 179).

political in nature, and it reveals conflicting interpretations of the Union's appropriate normative priorities.

## Making Sense of a Split Personality

Many Members have talked about the importance of sanctions, but I think particularly – intelligent, smart sanctions: the critical importance to all of us of ensuring, as we begin to think about what next, and, if we do, and as we do, consider the possibility of sanctions, that we do so recognising that they must be aimed and targeted specifically to achieve what we wish and that no one in this House wishes to see ordinary people in Iran suffer as a consequence of that.

High Representative Catherine Ashton (ID 1079)

Adam Winkler (1999, p. 144) finds that it is "essential that economic sanctions be enacted only when the enacting states can articulate clear, specific policy goals." EU discourse on sanctions in this respect is disappointing. It offers a mix of values, interests, strategies, implementation, laws, effects, future scenarios and historical flashbacks. The EU is alternately encouraged to be tough and soft, to be flexible and at the same time to be consistent.

The EU sanctions discourse is a battlefield between assumptions, attitudes, and arguments. As passionately as some politicians argue in favour of sanctions, just as passionately others wish for them to be lifted. The debate is intense (see chapter 5), not only when profiled debaters speak about their prioritised cases, but also when MEPs with less experience or expertise on sanctions vocalise their frustrations about specifically heart-breaking world events. Indeed, analysing over a decade of debates on sanctions was a like a round-the-world trip featuring the biggest political events.

This multifaceted general picture may seem confusing, but the analysis unveils a few patterns of conflict and consensus that are particularly worthy of note. All in all, this analysis confirms that there is a need to acknowledge a sender-sensible notion of success when it comes to sanctioning. Let me start with the points of contention. First, we have seen that the idea that sanctions are a form of norm promotion is not embraced by everyone; several vocal MEPs condemn the EU's value export agenda as imperialistic non-sense. Second, there is disagreement about whether or not sanctions ought to be considered a form of punishment. The *language* of punishment as an

objective is basically banned, yet many debaters wish for sanctions to have more effects on targets, usually without requiring that this be connected to an expected target change. Third, whereas sanctions are politically divisive, a good number of MEPs, Rapporteur Flautre in the lead, argue that this can be overcome with the help of better implementation routines and advice from experts.

However, aside from disagreement and energetic debate the discourse also has strong points of agreement. As soon as we leave behind the standard formulation for which effectiveness in sanctioning is about making targets change their behaviour, it becomes evident that the reasoning behind how this change is to be achieved is usually shallow if not completely absent. Instead, both critical and enthusiastic speakers speak of *consistency* as that which is lacking or needed. What the consistency jargon tends to overlook is that breaches of rules in international relations are usually not of the character that enables an appropriate policy reaction to be easily found every time. It would therefore be tricky to apply them equally to everyone, even if this is the intention. In fact, it is hard to think of any actor who has built its external action on this type of consistency logic.

We have seen that the appeals to a more consistent sanctions policy boil down to a desire to promote, or at least not destroy, the *credibility* of the Union in world affairs. By its emphasis on credibility, a picture emerges of the EU as an actor that is very well aware that sanctions can function as forceful identity markers. Just as one would expect for strong identity markers, the evaluation of the impact of sanctions for the EU as an international actor is polarised.<sup>130</sup> Sanctions are seen to be either savers or destroyers of credibility.

In conclusion, whereas the logic of action articulated in the EU discourse on sanctions clearly is egocentric, it is an egocentrism that is partially anxious about how it is perceived by the rest of the world. This topic will be discussed further in chapters 6 and 7, which are devoted to the perceptions that the African Union has of the EU with regards to sanctions. The following chapter – 4 – investigates the EU's internal and external autonomy as a sender of sanctions. In doing so, new light will be shed on some of the points of contention that were identified above.

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<sup>130</sup> See Lynch, 2008, p. 194, on absolutes in the moral argument on sanctions against Iraq.

## 4. NO ACTOR IS AN ISLAND?

### Internal and External Autonomy

We Europeans like to solve complex, difficult problems with what we value most: our minds, our intelligence, our diplomacy.

Javier Solana, High Representative for the CFSP (ID 664)

Does the EU's use of sanctions give evidence of the European-style problem solving that High Representative Solana speaks of? This chapter explores the autonomy of the EU's use of sanctions from individual Member States as well as from other actors. Autonomy does not always necessitate independent action but it requires that the actor have ideational and practical integrity, towards its constituent parts as well as towards external pressures. If the EU sanctions policy is simply composed of the predominant national positions transferred to the European level, without much difference stemming from fact that 27 Member States collectively decide upon the policy, the Union has a problem in terms of integrity. The Union also has a problem in terms of integrity if it passively follows other actors without its own agenda and without being in control of its own communication through the imposition of sanctions.

The chapter is divided in two sections. The first tackles the question of internal autonomy of the EU's sanctions policy and the second discusses external autonomy. Hence, the presence of a Member State dimension in the EU discourse on sanctions will be analysed first. It will then be followed by a discussion on how the EU considers other actors when it deliberates about sanctions. This chapter picks up some of the patterns of agreement and disagreement that were noted in chapter 3 and relates them to the overarching question of how sanctions shape the EU as an international actor. The analysis reveals that behind the jargon of unity, the EU competes to maintain autonomy from its own Member States as well as other actors. There is a national dimension to arguments regarding certain sanctions cases, but – more importantly – Member States are repeatedly blamed for the shortcomings of sanctions. In addition, ideological differences colour arguments that are in favour of and that are against sanctions. Policy-makers commonly wish for greater internal autonomy, which they believe would make the EU more credible as an international actor. In contrast, few speakers argue for

pure external autonomy in the sense of freestanding action. Instead, sanctions provide a means for the EU to position itself not only in relation to the target but also in relation to other actors. The EU wishes to share or even outsource responsibility to other regional actors, especially when it moves out of the strictly European neighbourhood. A group of predominantly left-wing speakers do, however, emphasise the importance of acting independently from the US.

## Internal Autonomy of the EU's Sanctions Policy

From the outset it has been clear that the complexities of overlapping horizontal and vertical integration in the Union make the EU peculiar as an international actor. From the previous chapter we also know that EU discourse harbours deeply conflicting interpretations of whether or not the Union should act in reaction to diverse international crises and if so, how. This section analyses these points of contention further in order to judge whether the EU has enough internal autonomy to truly be seen as a sender of sanctions. Four indicators serve to make a comprehensive examination of this dimension: (i) presence of Member States in the EU discourse on sanctions, (ii) ideological divisions (iii) inter-institutional tensions, and (iv) presence of European citizens in the discourse on sanctions.

### Member States: Building Blocks and Hurdles for EU Sanctions

Once an institution's members have agreed to impose sanctions, reneging on the agreement threatens the other benefits the institution provides.

Martin 1992, p. 12

Strictly speaking, it is misleading to ask whether the EU is autonomous from its Member States when it imposes sanctions. The CFSP in its totality remains a field of intergovernmental cooperation and the Union's sanctions policy is thereby a function of the collective will of its Member States. Moreover, as was described in Martin's quote, Member States are obliged to respect and implement measures that were decided upon at the European level. Yet, EU sanctions cannot be understood as straightforward products of accumulated national interests, identities, or preferences. Concerns over lack of unity apply to the entire decision-making process and implementation phase.



When the EU manages to impose sanctions, it is normally the outcome of a bargaining process where some Member States may remain unconvinced even if they do not block the decision. Hence, unanimity is not always the expression of a shared preference for a specific action, since sanctions may be traded for other policy proposals, also outside of the CFSP. This opens up for individual Member States to have disproportionate influence on the positions the EU takes with regard to sanctions. Even small Member States may leave a discernible footprint if they have a special relationship with a potential target.

On the other hand, some researchers argue that the experience of foreign policy cooperation has led to a genuine convergence between Member States: Europeanisation through socialisation (Brommesson, 2010; Smith M. E., 2000; Tonra, 2003). Already in the nineties, Ruggie described the EC/EU as a ‘multiperspectival polity’ where national and European identities overlap rather harmoniously (1993, p. 172; 1998, p. 195). The aim of this section is to find out whether it makes sense to speak of “the collectivity of members as a singularity” when it comes to EU sanctions (Ruggie J. G., 1993, p. 127).

To start from the basics, the unanimity principle is the incarnation of this idea and, at the same time, an obstacle to the same. As long as foreign policy relies on intergovernmental principles, every materialised set of sanctions can be presented as proof of the EU’s unity. This argument is frequently used by HR Ashton in her speeches before the Parliament. On the other hand, that every attempt to touch the unanimity principle continues to be extremely controversial is in itself proof that the collective does not yet think of itself in these terms.

For those who would like for the EU to use sanctions more frequently, the unanimous decision-making is a *de facto* hindrance. Hence, MEP Cappato (ID 896) maintains that the inconsistency of the EU’s sanctions policy mirrors the limitations of the CFSP as a whole. He concludes that the lack of consensus makes the EU “too timid”, and “unable and powerless to act”. Similarly, MEP Paleckis (ID 599) calls for the unanimity principle “to be made more flexible”, since “[w]hen the Council is debating the human rights situation in a state where there is cause for concern, usually one EU country or another insists on acting in its own national interest and vetoes the decision” (see also MEP Tannock, ID 1265). The catch-22 is that if Paleckis is right about the

Council's workings, the probability that the unanimity principle will be made 'more flexible' is low indeed.

Moreover, considering the strong preferences of some Member States, and the known implementation problems even for consensual sanctions, removing the unanimity requirement would likely only postpone discrepancies to the implementation phase. "There are no formal enforcement mechanisms" to ensure that Member States comply with CFSP acts, (House of Commons Foreign Affairs Committee, 2008, p. 37) even though the Council Regulations imposing sanctions and the related Council and Commission Decisions are part of EU law [pre-Lisbon community law] and thereby "take[s] precedence over conflicting legislation of the Member States" (European Commission, 2008a). Thus, to ensure that Member States take the same direction would instead fall back on the Lisbon Treaty's strengthened principle of loyal cooperation within the CFSP (Wessel, 2009, p. 130). Article 24(3) of the Lisbon Treaty (TEU 11:2) extends the reciprocal loyalty principle between EU institutions and Member States to include the CFSP.<sup>131</sup> The level of obligation with regards to the loyalty principle is quite clear, as is indicated by the usage of the word "shall", and ambitious, as is indicated by the requirement to actively and unreservedly stand behind the CFSP (Hillion & Wessel, 2008, p. 91). Yet, no matter how forceful the writing is, without enforcement mechanisms it is doubtful that the loyalty principle will have much effect in the field of sanctions.

That it is difficult to impose Member State loyalty is also clear from the EU Best Practices (Council of the European Union, 2007a). The Best Practices present guidelines on how to improve implementation and particularly how to improve the implementation of sanctions against individuals. This document was part of the EU's reply to widespread criticism that listing and de-listing procedures for sanctions against individuals violate fundamental human rights. When it comes to the deeper implementation problem, which is grounded in divergent political interests and interpretations rather than in lack of knowledge or technical skills, the Best Practices have less to offer. Beyond proposals to increase information sharing and "co-ordination", a reading of these guidelines suggests that a proper infrastructure, that

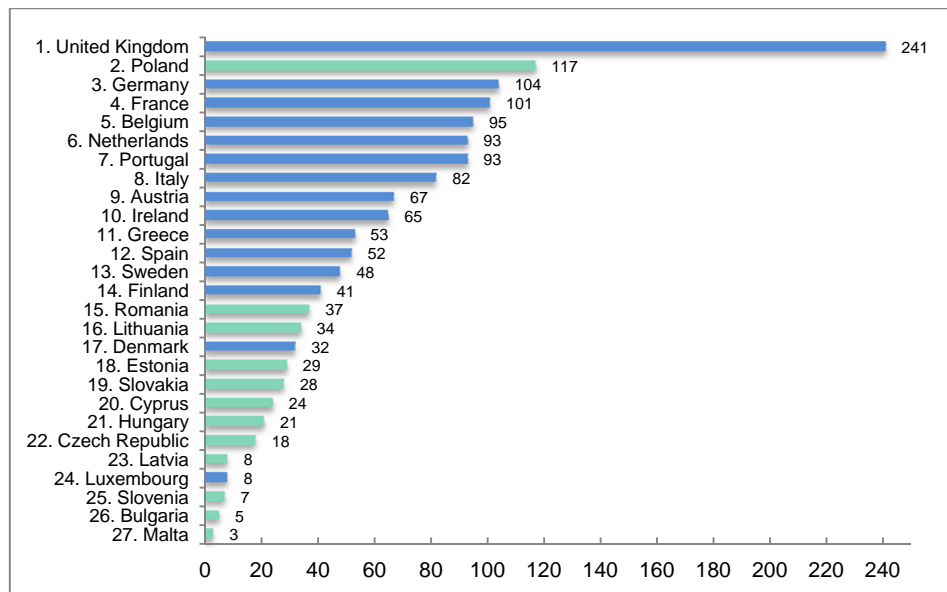
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<sup>131</sup> However, "as the field of external relations becomes more rule intense" (Kuijper, 2009, p. 293) we might be facing a reduction in the area of application of the general loyalty principle. The loyalty article is supposed to kick in as a complement to rules, and when there are fewer and fewer empty spots for it to cover, we will have to deal with more direct rule breaches rather than more general breaches 'in spirit'.

would make political will go in the same direction, is lacking. The terms “politics”, “political”, “policy”, or “foreign policy” do not appear in this document. The production of this kind of document might be better understood by examining the problems it hides rather than the solutions it proposes. Kratochwil (2011, p. 40) argues that “following 'best practices' is an effective way of avoiding criticism even if the intended goal remains unachieved, or the strategies are actually counterproductive”. All in all, the EU’s Best Practices appear to be a detailed smokescreen for a sanctions policy that might be more politically sensitive among certain Member States than the EU would like to admit.

Indeed, already a simple scrutiny of the activity levels of Member States in the EP debates tells us that the sanctions discourse is far from being fully Europeanised. For this to be the case, proportional participation from all nationalities in the debates would be expected.<sup>132</sup> Instead, politicians from the United Kingdom are by far the most active in debates on EU sanctions, standing for more than twice as many statements by the runner-up, Poland. In Figure 4.1 the detailed numbers on participation are presented. The countries in light green became members during the enlargements of 2004 and 2007. Consequently, they are not part of the first five years of the data.

Figure 4.1: Statements per Member State

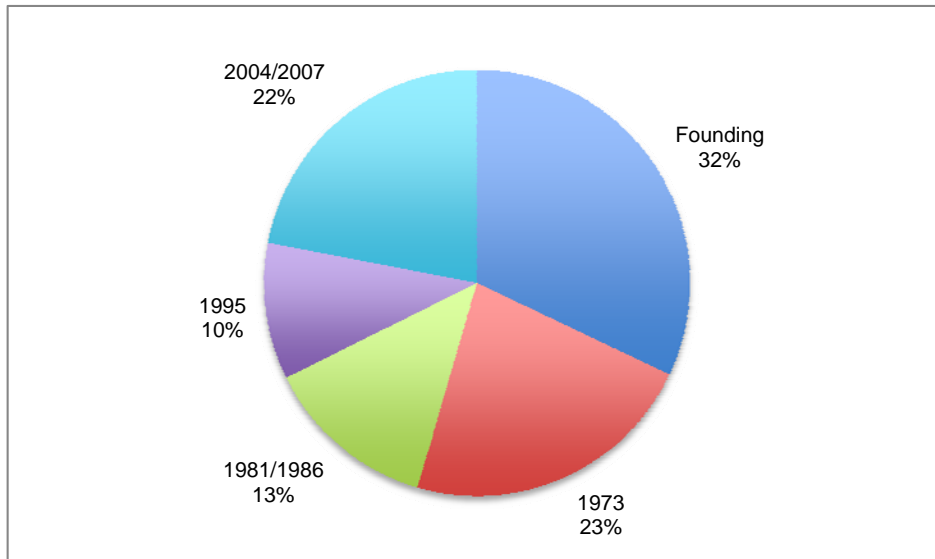


<sup>132</sup> Rapporteurs and representatives of the political groups are given priority in debates on reports. The extent to which there is a national bias will show up in our data. However, all MEPs who have previously registered may participate in all types of debates, or write a statement if they cannot attend (European Parliament, 2012b, rule 149).

The United Kingdom's leading position in this figure can be partly explained by its special interest in certain sanctions cases, in particular Zimbabwe. This interest might spread to other sanctions cases as well. While coding the data, I noted that some MEPs, who are very active in debates on Zimbabwe, eventually also entered debates on other cases. Moreover, the British are known to be among the most active speakers in Parliament. However, they are curiously at the bottom of participation statistics for plenary votes (VoteWatch Europe, 2012a). While the UK's lead in the statement league is the most striking, it should also be noted that all of the top-eight slots for participation in debates on sanctions are senior Member States. Austria is the newest Member State with the highest placement, which is largely due to Ferrero-Waldner holding the post of RELEX-Commissioner 2004-2009. That small countries from the latest enlargements are found in the bottom is understandable. It is more worthy of note that the Nordic countries, members throughout the studied period, arrive 13<sup>th</sup>, 14<sup>th</sup> and 17<sup>th</sup>.

Figure 4.2 comments further on the levels of activity, which are grouped by enlargement waves. As you can see in the figure, 32% of the statements are made by politicians from the founding Member States – France, Germany, Italy, Belgium, the Netherlands, and Luxembourg. This makes them slightly underrepresented in relation to their total amount of MEP's (40%, 7<sup>th</sup> parliament). Politicians from countries that entered the Union 1973 – United Kingdom, Ireland, and Denmark – stand for another 23 %, which is above their share of MEP's (13%, 7<sup>th</sup> parliament). Speakers from Spain, Portugal, and Greece, which entered 1981 and 1986, represent 13% of the total amount of statements, which corresponds to their percentage of parliamentarians (7<sup>th</sup> parliament). In 1995 Austria, Finland, and Sweden joined the newly founded EU. They represent 10% of all statements and hold 7% of the seats in Parliament (7<sup>th</sup> parliament). The big-bang 2004 and 2007 enlargement wave brought twelve new Member States to the table, which represents 22% of all our statements. Their activity level is already close to their share of seats in Parliament (27%), although they are not present during the first five and eight years of the dataset.

Figure 4.2: Frequency of Statements by Year of Entry



Each enlargement has brought its distinct expectations to the field of foreign policy. The UK's reluctant arrival in 1973, the 1980's entry of newly democratised Greece (1981), Spain and Portugal (1986), or the inclusion of 'neutral' Austria and Sweden in 1995 are but a few examples. Yet, the 'reunification' enlargement – which brought ten former Warsaw pact members into the Union – was unprecedented in symbolic and practical meaning. MEP Paasilinna (ID 493) comments in December 2004:

In fact we have enlarged and in this way brought new blood to our numbers. These newcomers, however, have had a different relationship with the United States (not for very much longer, in my opinion, as our work gradually hones that relationship), and Russia, through a grim and difficult history as part of the Soviet Union or as one of its satellites.

In specific contexts each Member State's unique historical experiences or on-going bilateral relations clearly matter with regard to how they perceive sanctions.<sup>133</sup> In particular, some of the Polish MEPs make reference to their own experiences with sanctions. MEP Kaczmarek (ID 592) comments on the possibility of sanctions against Cuba in the following way:

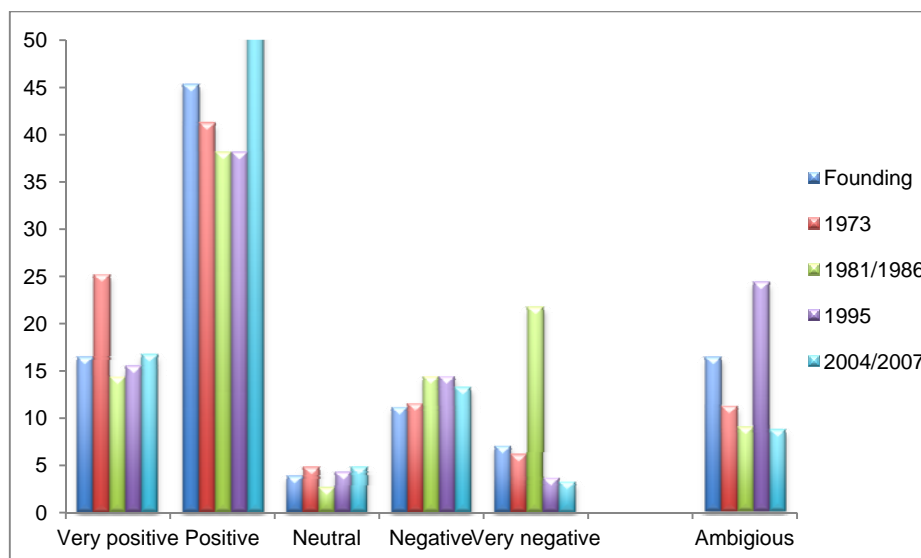
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<sup>133</sup> For some of the Austrian MEPs, their own experience of sanctions also influences how they debate over the EU's sanctions policy.

Mr President, there is a Polish saying that a rich man cannot understand a poor man. Nonetheless, those of us who know how it feels to be denied one's freedom find it easier to understand what is happening in Cuba at the moment. Those opposed to adopting a hard line towards Cuba argue that there would be negative consequences for the ordinary people. I wonder if they have bothered to find out what the people of Cuba think? Does Castro bother about what Cubans think? In the 1980s the Polish Communists responded to US economic sanctions that were also supposed to have negative consequences for ordinary Poles by announcing, by way of retaliation, that they would send a thousand sleeping bags to the homeless of New York. What was the reaction of ordinary people in Poland? Small adverts began to appear in the press, offering to exchange spacious flats in Warsaw for sleeping bags in New York. Many Cubans seem to be thinking along the same lines, and Havana is much closer to New York than Warsaw.

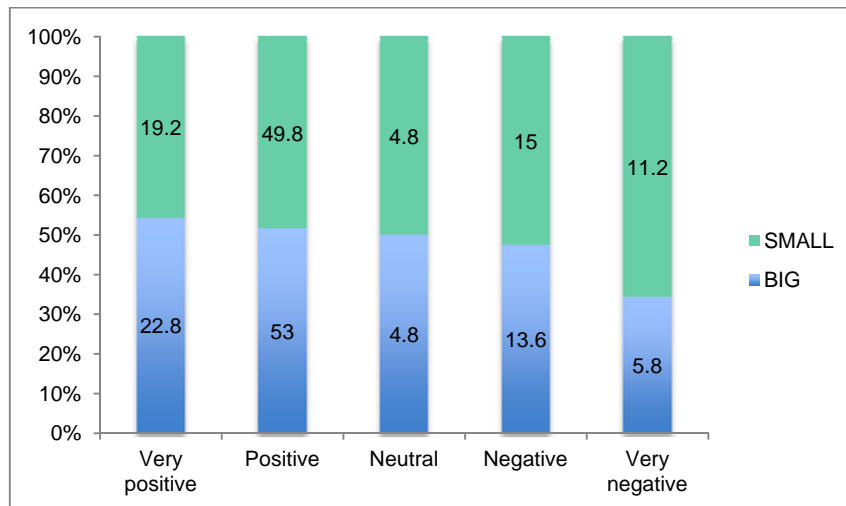
Aside from the specifics gleaned from personal testimonies, there is no evident qualitative imprint of each enlargement. The 1973 enlargement (UK; Ireland; Denmark) is overrepresented among the very positive statements in favour of sanctions (31,7%, cf. 23% share of all statements), and the 1981/1986 enlargement (Greece, Spain, Portugal) produces the highest share of very negative statements (37,3%, cf. 13% of all statements). The direction that the opinion these groups take is largely due to the British conservatives' predominantly positive view on sanctions and to the very active Greek communists' critical approach. Figure 4.3 shows the distribution of attitudes (%) divided by year of entry, excluding missing values.

Figure 4.3: Enlargement Waves and Attitudes



Another common claim is that the big Member States are the predominant authors of the EU's "unanimous" foreign policy. MEP Tannock (ID 1265) makes this claim clearly: "On the one hand, the EU wants to carve out its global role as a diplomatic heavyweight but, on the other hand, the CFSP requires unanimity, which means compromising to preserve the interests of individual Member States, particularly the big ones." I checked whether size influences the attitude towards sanctions and found that big Member States (Germany, United Kingdom, France, Italy, Spain, and Poland) are a bit more favourable on average to sanctions, scoring 2.27 on the 5-value ordinal scale where 1 signifies very positive and 5 signifies very negative. The average for all other Member States together is 2.49; placing them almost precisely on the mean. The following figure (4.4) gives a more detailed picture, showing that the difference between big and small states is accentuated for the extreme values. In sum, knowing whether a speaker comes from a big or a small(er) Member State does not much improve the chances of guessing his or her opinion on sanctions. As we will see further on, party affiliation proves to be more important.

Figure 4.4: Big and Small Member States – Attitudes in %



The absence of clear-cut dividing lines between Member States with regard to accumulated sanctions data does not mean that the national dimension is irrelevant. The number of proposed or discouraged combinations of sanctions targets that are mentioned during these years are 125. Clearly, there is not one single European position, nor are there 27 distinct national positions that cover all of these sometimes

highly complex situations. Instead, it is in the specifics that national priorities emerge in discourse, and those are underplayed by the approximations above. National priorities may have very little to do with national interests. Statements on sanctions are informed by national circumstances in a much broader sense, as may be shown by references to features or experiences that are specific to the home country (see ID 43; 187; 467; 987-988; 1078; 1137; 1341 for diverse examples).

Moreover, and perhaps more importantly, there is a strong tendency in EP debates to complain about the roles Member States play as sub-actors in the sanctions policy. This criticism ranges from the general argument that disunity hurts the CFSP to accusations that Member States disrespect specific sanctions regulations. Some examples follow below.

In a written question, MEP Casaca (ID 852) asks what the Council plans to do about alleged violations of sanctions against Iran, especially concerning certain forbidden transactions by UK companies in weapons trade. MEP Gomes (ID 806) also questions whether all Member States have “been consistent in the political message delivered to Iran”, in reference to economic sanctions against the country. A newspaper article, from June 2010, reports on different perspectives regarding Iran sanctions. Then Italian Foreign minister Franco Frattini is quoted to have said that “Europe may reinforce the (UN) sanctions especially on technology regarding the extraction of oil and gas” while Swedish Foreign Minister Carl Bildt told the newspaper that “No one really believes that sanctions are going to sort out this problem or have much effect” (*Daily News* June 15, 2010).

MEP Gahler (ID 327) supports sanctions and criticises France for inviting Mugabe to the Franco-African summit in Paris: “I do not like to criticise a government whose political views are so close to my own, but in this case I would urge the French government to consider whether it is in the interests of Africans to engage in African politics in this way” (also ID 304; 324; 326; cf. ID 322). Van den Bos argues that French interests determine the EU’s Zimbabwe policy (ID 325). He also calls for stronger sanctions against Burma, accusing European companies of “get[ting] Burmese blood in their hands to serve their shareholders” with the good memory of certain Member States “that give more weight to their own business interests than they do to a consistent human rights policy” (ID 339). French oil company Total’s activities in Burma are mentioned by several speakers (ID 71; 441; 445; 777; 781).



Van Orden's statement (ID 335) is in its own way a testimony of the EU's internal cleavages. He wants to fight the "idea" that "two or three countries speak for Europe, define its policies and drive them forward, while the views of the rest, many of which attach great importance to the transatlantic alliance, are portrayed as some sort of aberration." The context of his speech is the second Iraq war, and he heavily criticises Germany (Deutsche Bank) and France in particular for calling for sanctions to be lifted in order to reap certain economic benefits. At the same time, he places the transatlantic alliance as a parallel – possibly superior – loyalty to that which is given to Europe. Belder (ID 342) is also alarmed about the split caused by the Iraq issue: "depressing – that is the word that best describes the situation in the European Union last week, with Member States showing a complete lack of mutual respect, and a growing gap between old allies" (see also ID 355). A few years later, MEP Belder (ID 900) wonders "whether unanimous sanctions are even possible", in reference to diverging Member State positions on Cuba and on Zimbabwe (also ID 326).

Furthermore, Member State interests are referred to not only when it comes to deviations from EU sanctions, they also enter the discussion from the opposite end, as explanations for why sanctions were imposed.<sup>134</sup> MEP Pafilis is one of the most critical speakers in the dataset. In his opinion, British post-colonial interests explain why the EU has sanctions in place against Zimbabwe:

Why does the European Parliament keep addressing the subject of Zimbabwe? Is it because human rights are being infringed? No, ladies and gentlemen. Let us call a spade a spade. It is because Great Britain dreams of making it a colony once again and because the other large countries in the European Union are again dreaming of new colonies on the African continent. These are the facts. Zimbabwe acquired its independence through a hard and bloody fight against the British colonists. Are there problems? Of course there are. Is the situation as it is described? Of course it is, but it is the result of years of colonialism, it is the result of the measures imposed all these years by the European Union and other imperialist countries, measures designed to achieve an economic stranglehold on and the political isolation of the Zimbabwe regime. In the final analysis, if and how the situation changes in Zimbabwe is a matter for its people and neither the European Union nor anyone else is entitled to interfere in its internal affairs.

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<sup>134</sup> Also consider Siwiec (ID 687), who is critical to Russian sanctions and underlines the importance of EU unity in this context: "If we do not all stand shoulder to shoulder in our response, we will simply be fuelling Russia's imperialist approach to international relations."

The majority of statements, however, are favourable to sanctions and express worry over how Member State interests and the consequential implementation indiscipline undermine the EU sanctions policy. This also goes for UN sanctions. In a Communication to the Parliament and the Council in 2003, the Commission writes:

To implement UN sanctions, action has to be taken in many cases at EC/EU level. For this to be done as effectively and smoothly as possible, a higher level of EU co-ordination would be desirable, in accordance with Article 19 TEU, while respecting the special responsibilities of EU members of the Security Council.

### **Justifications of Unity**

The idea that Member States must overcome national differences and unite to form one single foreign policy is as predominant as that unity seems difficult to achieve in practice. For most, unity is what the European project is all about: it is its essence. Two examples of this view are MEP Esteves' (ID 916) declaration that "[a] new Europe is a single body" and MEP Crespo's statement that (ID 306) "we are building a united Europe, and that is the aim of our political action."

There are two primary justifications of the importance of unity, which we recognise from the logics of action discussed in chapter 3. These are (i) that unity is important in order to achieve – usually unspecified – effects; and (ii) that unity is important in order for the EU to reach its potential as a credible international actor. Let us look at both in turn.

First, there is a concern that rebellious Member States can destroy the efficiency of EU sanctions. However, what efficiency means in the mind of the speaker is not in most cases spelled out. MEP Gál (ID 907) thinks that "unified action" is "crucial" and "[i]n the interests of political effectiveness" she calls for a policy of sanctions that is "transparent, unified and has well-defined aims." MEP Sonik (ID 912) places the blame for double standards in sanctions on the lack of cohesion between Member States. In his opinion, the differing positions of Member States constitute violations of EU *solidarity*. He concludes that "[w]ithout genuine political will on the part of EU Member States, resolutions will remain on paper only." Another generally held claim comes from MEP Monescu's (ID 918), who is convinced that "[a]s long as the European Union does not speak with only one voice in its common security policy, it is very difficult for us to impose efficient and systematic Community sanctions". Commissioner Chris Patten (ID

448) agrees that “the effectiveness of any sanctions and certainly of travel bans is entirely dependent on the extent to which Member States implement those sanctions”. Patten acknowledges that there is “a little distance opening up between what people advocate at European level and what happens in the Member States.”

This type of reasoning regarding effects reaches only the second step on the efficiency-ladder presented in chapter 2. Disunity clearly becomes a problem since efficiency is understood to be equal to unequivocal implementation at the Member State level (see Smith 2003, p. 65). However, effect-related goals stop at ‘doing something’ or possibly ‘inflicting pain’ (Patten mentions travel bans), without speaking of any expected change in the target’s behaviour.

Next to concerns regarding efficiency, the presence of a Member State dimension to the question of unity is considered a *credibility* problem. Like Sonik (quoted above, ID 912), MEP Crețu (ID 908) speaks of cohesion in sanctions as a matter of solidarity: “If we want the European Union to be a strong and respected presence on the international stage and its actions, including as regards sanctions, to have the biggest possible impact, it is essential to demonstrate great solidarity and avoid using different units of measurements”. Thus, for Crețu, cohesion is important both for how the EU is perceived as a world actor as well as for achieving an (unspecified) impact. MEP Țicău (1411) also combines an unspecified level of efficiency and credibility, as she emphasises the importance of “united, coherent” action “in order to make these measures more effective and enhance the EU’s credibility globally”.

Other statements focus more exclusively on the aspect of credibility. MEP de Keyser’s statement (ID 533) is illustrative:

It is high time, I think, that the Council and Member States followed the same course; if not, the European Union is at risk of rapidly losing its credibility as protector and guardian of human rights worldwide.

Examples of statements that emphasise unity for the sake of credibility are found in a range of sanctions cases that differ greatly one from the other. MEP Claeys (ID 480) worries that “the European Union will lose all the credibility it has” if France has its way and the arms embargo against China is lifted. Van den Bos (ID 325) sees discrepancies in the application of sanctions against Zimbabwe as a threat to EU credibility: “France is

riding roughshod over the agreements by inviting Mugabe<sup>135</sup>, and in doing so is putting the credibility of the European Union on the line. [...] If Europe is not consistent, how can we expect African countries to be?” MEP Joly’s (ID 1120) statement following Israel’s raid against the ‘Free Gaza flotillas’ in 2010 provides another example of the connection between unity and credibility: “Conveying our message with one voice is not just necessary, it is vital, because it is precisely unity that the European Union has lacked until now and it is precisely unity that it needs today in order to carry weight and to make its presence felt as a major and credible actor for peace.”

It should be noted that many of these statements assume that the EU has a capital of accrued credibility that runs the risk of being destroyed by a lack of unity. Hence, it is not a question of building credibility from scratch, or worse, to correct negative perceptions. Rather, unity through sanctions ought to preserve the already pre-existing reserve of credibility and help the EU reach its potential as an international actor. Consider Van den Bos (ID 381):

Where human rights in the world are concerned, the European Union should play a leading role. We are, after all, a community of values and a major economic power, but we are unfortunately leaving something to be desired. The European Union is not lacking in good intentions or policy resolutions. There is, however, a yawning gap between rhetoric and reality. The criticism is mainly aimed at the Member States and concerns incoherence and a lack of decisiveness.

In the same spirit, Van Hecke (ID 532) finds that “[i]t is high time [...] that the Council and Member States followed the same course; if not, the European Union is at risk of rapidly losing its credibility as protector and guardian of human rights worldwide.” Also Mănescu (ID 918) fears credibility losses if the EU does not manage to “speak with only one voice in its common security policy”. Finally, even RELEX-Commissioner Ferrero-Waldner (ID 595) acknowledges that “when sanctions are not implemented in response to serious breaches of human rights, the credibility of the EU’s human rights policy could be damaged”.

To sum up, from the loyalty principles of the TEU to the statements of individual MEPs in the Chamber, EU discourse testifies to the centrality that the concept of unity

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<sup>135</sup> Van den Bos refers to a ‘temporary opt-out’, which enabled France to invite Robert Mugabe to the 2003 France-Africa Summit in Paris. See interview with French Minister of Foreign Affairs at the time, Dominique de Villepin (de Villepin, 2003)

plays in the CFSP. Questioning the unity paradigm and accepting discrepancies in implementation and interpretations of the CFSP would challenge the very foundations of policy as we have come to know it. At the same time, however, Member States are still principally accountable at the national level, and their sovereignty in security matters formally remains in place (Hillion & Wessel, 2008). In the absence of more comprehensive institutional reforms, which by 2012 seem increasingly unlikely, unity for the European Union in external affairs will continue to be a battle against the wind. Thus, it is fair to conclude that the EU is not 'autonomous' vis-à-vis its own Member States – or rather, it does not perceive itself to be.

## Ideological Division

I shall support the resolution in which we call for an extension of the sanctions against the regime in Uzbekistan, as the European Union is more than a political body bound together by common economic interests. I firmly believe in the European Union as a community of values and, as such, the Union must set an unequivocal example by condemning all infringements of human rights, regardless of where they take place.

MEP Kaminski, ID 677

According to the quote above, the EU is “a community of values”, in the name of which it should condemn – here impose sanctions against – *all* infringements of human rights. Yet, a single, unified EU stance on sanctions does not exist. We have touched upon the national dimension of EU sanctions and how action is associated with individual Member States. However, the ambiguities of EU discourse on sanctions go further. Actually, even individual EU politicians may not have one single opinion on sanctions, but often humbly reflect on the pros and cons for the use of sanctions according to each different situation.<sup>136</sup>

Taking party group affiliation into consideration adds a further dimension to the image of the EU as a 'community of values'. Even though the mainstream parties (i.e. excluding the radical left and the far-right) are fairly united in their support of the main sanctions regimes, justifications vary between conservatives, social-democrats, liberals,

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<sup>136</sup> This is not surprising considering that sanctions are a versatile instrument, which refers to many different contexts and types of norm violations.

and greens. Kaminiski (ID 677) deplores the fact that the consensus on “fundamental European values” is not as strong as it ought to be “from the Left to the Right of the House”. Indeed, judging from the statements made in the EP chamber, an ideological dimension to how sanctions are viewed exists. Consider Tannock (ID 337):

Mr President, we are often placed in a dilemma when dealing with evil and repugnant regimes. Some will call for dialogue, wanting to point out their concerns and encourage the regime to change its ways. Others – the realists – want tough action and opt for isolation of the regime and sanctions.

Moreover, the central 2008 sanctions report was highly contested between party groups (see ID 899). This corresponds to VoteWatch’s findings that MEPs vote along political party lines more often than along national lines when it comes to foreign and security policy (VoteWatch Europe, 2012a). Figure 4.5 presents, from left to right, the varying attitudes that are present in the European Parliament as well as in the Council, Commission, and High Representative(s).<sup>137</sup>

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<sup>137</sup> *Left*: Confederal Group of the European United Left / Nordic Green Left (GUE/NGL) 1999-

*Social-democratic*: Group of the Party of European Socialists (PSE) 1999-2004; Socialist Group in the European Parliament (PSE) 2004-2009; Progressive Alliance of Socialists and Democrats in the European Parliament (S&D) 2009-

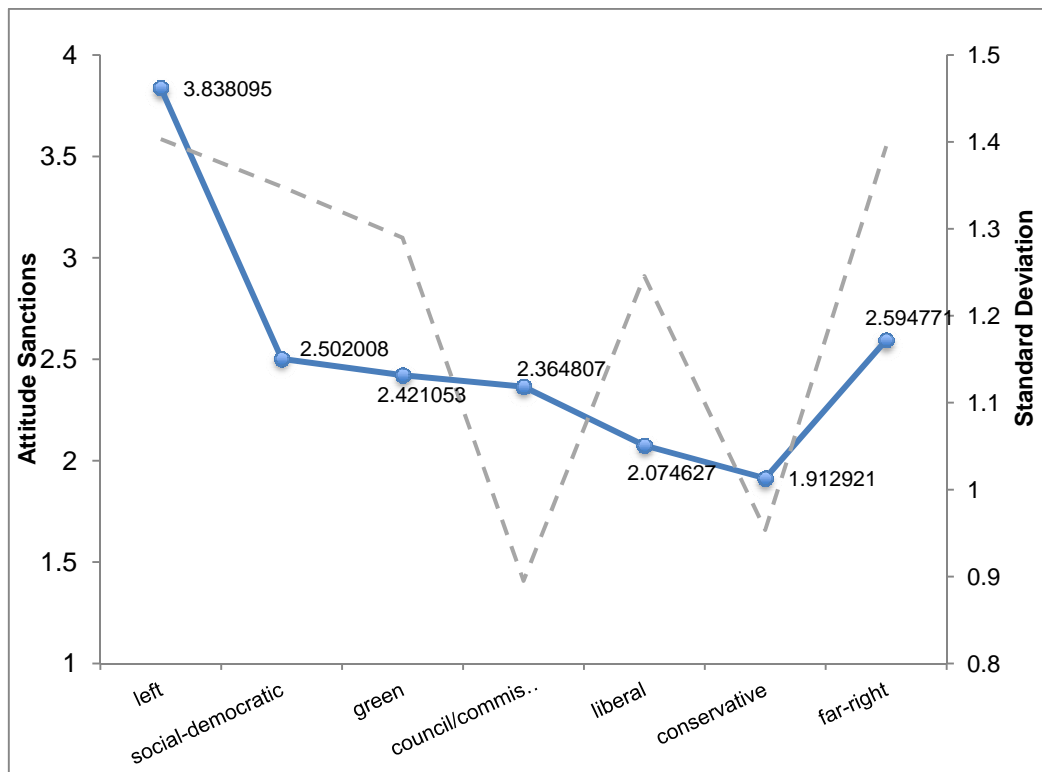
*Green*: Group of the Greens / European Free Alliance (Verts/ALE) 1999-

*Liberal*: Group of the European Liberal Democrat and Reform Party (ELDR) 1999-2004; Group of the Alliance of Liberals and Democrats for Europe (ALDE) 2004-

*Conservative*: Group of the European People's Party (Christian Democrats) and European Democrats (PPE-DE) 1999-2004; Group of the European People's Party (Christian Democrats) (PPE) 2009-; European Conservatives and Reformists Group (ECR) 2009-

*Right/eurosceptic*: Union for Europe of Nations (UEN) 1999-2009; Independence/Democracy Group (IND/DEM) 2004-2009; Group for a Europe of Democracies (EDD) 1999-2004; Europe of Freedom and Democracy (EFD) 2009-; Identity, Tradition, Sovereignty (ITS) Jan-Nov 2007; Non-Attached (NI) 1999-

Figure 4.5: Attitude and Party Groups



As the graph demonstrates, the MEPs that are the most critical are found at the political extremes (3,83; 2,59). Together, the united left and the various right-wing nationalistic/Eurosceptic parties are responsible for 58% of all very negative statements made regarding sanctions, which constitute roughly 19% of the total amount of statements. The left-wing MEPs are particularly critical; statements from the United Left make up 7.4% of the dataset. Yet, as a group they represent 40,9% of all very negative statements on sanctions. The grey dotted line in the figure shows the standard deviation for the respective party groups. From this line we can see that while the left and far right have the least positive attitudes on sanctions on average, their positions also have the highest internal variation (spread around the mean). For the left party, support for sanctions against Israel is what comes through. For the far-right, the high standard deviation can be explained by the clustering of rather diverse parties – as well as the non-attached – under this label. This category includes some very vocal individuals who speak both in favour and against sanctions depending on the target.

Moving on to the strongly positive side, social-democrats, conservatives and liberals are responsible for 75% of all statements in the database. These are also the biggest party groups in the Parliament and they have made 57% of all statements in the

dataset. In this group, the conservatives stand out as the most positive group of all, with the lowest standard deviation after the Council/Commission. As the graph shows, both social-democrats and greens are considerably more critical and have a higher standard variation. The liberals are not far behind the conservatives, but they are less internally united. Finally, the Council/Commission scores very close to the total average ( $2.36 < 2.39$ ). That they do not receive a more positive average attitude is due to two factors. First, they have the highest share of neutral statements (32, value 3 on the scale). Second, while they normally defend existing sanctions packages, it is only logical that they have more reluctant attitudes to MEP-driven sanctions proposals. As MEP Maes (ID 324, *sic*) states: “we in the European Parliament systematically want more sanctions than any of the Member States to which we belong.”

The following two figures present the relationships between attitude and party group/position in more detail. The first figure (4.6) shows the distribution of each party group’s and the Council/Commission’s attitudes and the second figure (4.7) shows the percentage of each party group and Council/Commission per attitude level, thus accounting for group size. In figure 4.6, sixty percent of the green party’s statements are positive. Because the green party is a relatively small group, it accounts for only about seven percent of all positive statements made. This is demonstrated in figure 4.7.

Figure 4.6: % of Attitude per Party Group

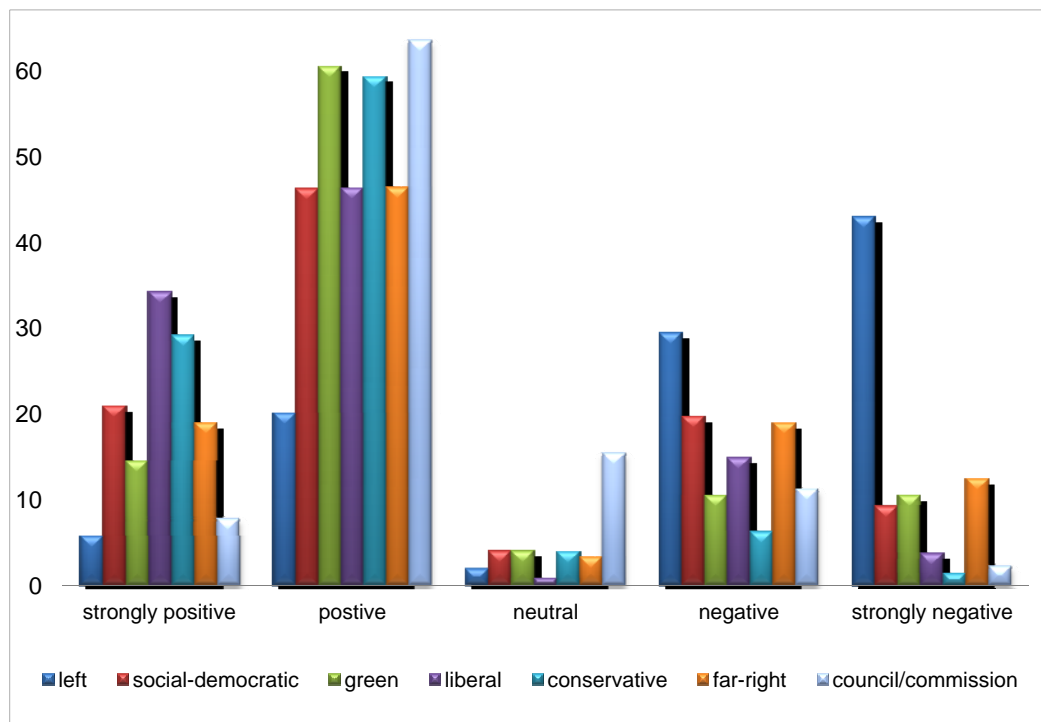
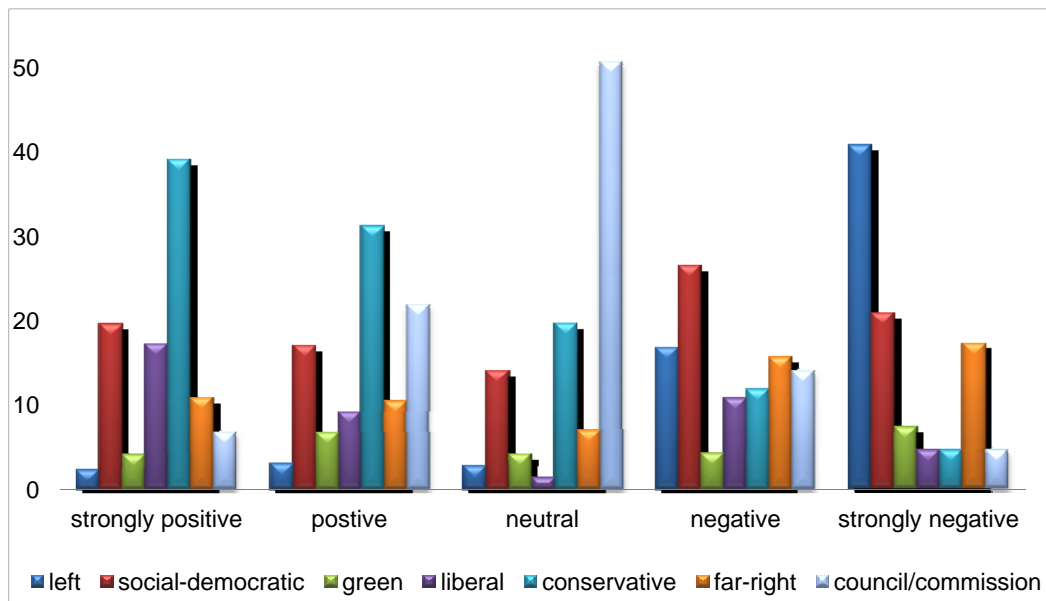




Figure 4.7: % of Party Group per Attitude



The ideological dimension is present across cases, but it is more solid when it comes to targets that are politicised along traditional ideological lines. In other words, the outlying position of the left can partly be understood in light of its ideological affiliations with certain targets. For left party members, criticism is the strongest with regard to sanctions against Belarus and Cuba. They are more likely to argue in favour of sanctions against Israel. Another explanatory factor is euro-scepticism – which parts of the radical left share with the far-right. The following quote from Gerard Batten, MEP from the IND/DEM party group (ID 721) is illustrative of this:

The idea has always been a non-starter. There can never be a common European foreign policy, because we all have different histories, international commitments, interests and allies.” [...] ” As you will be well aware, Britain faces a very grave situation in Iran, which has illegally detained British troops. It would be ridiculous for an EU Foreign Minister to try to negotiate the release of members of Her Majesty’s Armed Forces.

The overall picture, where the biggest and established parties have a similar stance, corresponds well with the coalition patterns found by VoteWatch Europe<sup>138</sup> (2012a) for foreign and security policy as a whole. Up till two thirds of the statements from the

<sup>138</sup> VoteWatch provides access and analysis of “attendance, voting and activity data” from the EU institutions. It was founded by Simon Hix and Sara Hagemann, from the London School of Economics and Political Science, and Abdul G. Noury, from New York University (VoteWatch Europe, 2012b).

political mainstream are positive or very positive toward sanctions. Consensus in a European context should possibly be read as an agreement between established political forces. Thus, the following phrase in the quoted statement below, “all the political families”, may be changed to read: “the mainstream political families”.

The degree of consensus in this House also shows that all the political families continue to view the commitment to human rights throughout the world as a core element in achieving democracy, social progress and the peaceful coexistence of nations. MEP Gahler (ID 382)

The British Conservatives stand out by most frequently referring to themselves as a group. There is no mention in the dataset, for instance, of Polish liberals or French socialists. Swedish Social Democrats talk about themselves as such in only one (joint) statement (ID 1102). In contrast, the British Conservatives, to mention a few examples, “support the use by the EU of certain civil instruments to help head off or alleviate crises in third countries” (ID 171), call the Burmese military regime “a narco-dictatorship financed by heroin that brutally exploits and terrorises its own people” (ID 422), and “believe that the Code of Conduct on Arms Exports has worked well as a politically binding instrument” (ID 469).

Especially with regard to the case of sanctions against Zimbabwe, other MEPs take note of the British Conservatives. Maes, from the greens (ID 368), expresses herself as follows: “[...] I would like to ask the British Conservatives to show a little more subtlety each time they put Zimbabwe on the agenda.” Nine years later, ALDE-MEP Schaake (ID 1411) wants to remind “Members on the conservative side of this House especially, that sanctions are an ultimate means and not a goal in and of themselves”. Tannock then asked for clarification: does Schaake mean his Party Group – the ECR, which was founded by British Conservatives in 2009?

The positions of the more Eurosceptic British MEPs also illustrate well why the unanimity principle will likely remain untouched. MEP Tannock (ID 946, emphasis added) speaks on behalf of British Conservatives: “We support the concept of a CFSP EU sanctions regime which is applied on a unanimous basis to target the most egregious abusers of human rights in the world, *provided the UK can always exercise a veto* in this respect.” MEP Batten (ID 721), from the UK’s Independence Party (UKIP), goes further. Batten deplores that Britain cannot impose its own trade sanctions against Iran, and

concludes that “[t]his is yet another example, if one were needed, of why Britain must leave the European Union and restore control of her own affairs”.

To conclude, while a clear majority of the speakers argue in favour of sanctions, our chances of guessing the position a speaker will take increases if we know his or her nationality and party affiliation. This is especially true for British conservatives and Greek communists, which on average have opposite attitudes toward sanctions. In the next section, we will look at how tensions between EU institutions are perceived to undermine the Union’s internal integrity.

## Inter-institutional other

Any student of the European Union will know that the institutional set-up is central to what the Union is. The institutions embody the potential and limitations of the Union’s performance. In the institutional myriad that constitutes the EU, the European Parliament is an underdog and a frontrunner at the same time. It has very little formal power in foreign policy; yet it deals with foreign policy in its parliamentary committees, in reports and in plenary debates. Most importantly, it has a special claim to legitimacy insofar as it is the only directly elected institution of the European Union. This section is devoted to the presence of an inter-institutional dimension to the EU discourse on sanctions. Most importantly, we will see that the gap between formal power and democratic legitimacy creates friction and frustration especially for the EP with regards to the Council, but the Commission as well (ID 409, ID 471, ID 616).

These statements are clustered into two groups. First, we have those that are concerned with the institutional powers of the Parliament. Suominen (ID 240) deplores that “[w]e in Parliament cannot influence the situation in any concrete way”, and Scheele (ID 681) comments that “[a]ll this House does in response to the various human rights issues around the world is to make demands of one sort or another” [while “we impose absolutely nothing”]. She thereafter calls for the Council to extend sanctions against Uzbekistan. Van den Bos (ID 381) complains that “there was only one single occasion last year when the Council discussed a human rights resolution from this House” and “[o]f all our written questions, not one was answered in time” (see also ID 79, ID 384). A similar criticism is advanced by MEP Gomes (ID 702), who during a debate on the situation in Darfur finds it “significant and worrying that the German Presidency is not here today to represent the Council”. According to her, “this says a great deal

about levels of genuine interest and commitment in the new relationship with Africa and in working for development in Africa.” MEP Maes (ID 324) speaks of the Council as being “again, incidentally, absent” when the EP debated over sanctions and in particular Mugabe’s visit to Europe. Similarly, MEP Beglits (ID 594) regrets that the President-in-Office of the Council left the Chamber during a debate on the EU’s code of conduct for arms trade: “we needed today to debate the basic political problem before us: why the Council of Ministers continues to refuse to convert the code of conduct into a legally binding instrument for everyone, into an effective common position”.

Karel Schwarzenberg, President-in-Office of the Council in the spring of 2009, however, reassures the EP that “the Council has always examined the opinions and resolutions of Parliament with great interest and attention” (ID 1015) and Jean-Pierre Jouyet, President-in-Office of the Council in the autumn of 2008, declares the Council to be “delighted by the keen interest shown by the European Parliament in EU sanctions policy” (see also Malmström, Council, ID 1049, on the EP and counterterrorism measures).

Gahler’s reaction to the visit to the European Parliament of Zimbabwean politicians that were under targeted sanctions is a rather extreme expression of inter-institutional tensions. He threatens that “if our own governments do not stand by their decisions, namely to impose a travel ban on certain people, then from Saturday we in the European Parliament will have to take steps to prevent these two men from entering the European Parliament’s premises, and we will also have to ensure that this is public knowledge and that the public is made aware of this so that it does not happen again in the future” (ID 297).

A second type of statement emphasises the superiority of the Parliament or criticises the work of the Commission and the Council. MEPs seek to obtain increased influence in the decision-making process on sanctions on the basis that the Parliament has unique democratic legitimacy within the EU system. Discussing the use of sanctions in general, Flsíková Benová, (ID 1046) emphasises that “as the only directly elected representatives of European institutions, we nevertheless feel with some justification that we will simply be a kind of adjunct in the creation process and later excluded from the decision-making and control process.” Flautre (ID 1047) also asks for increased EP involvement, since the “Council’s amendments concerning blacklists depend on the proposals that have been made, including by the European Parliament” and “history

shows that it was the European Parliament that made the reform of the Council regulation possible". MEP Olejniczak (ID 1063) describes the EP as "an expression of democracy and cooperation", whereas MEPs de Keyser (ID 533) and Van de Bos (ID 325) refer to the EP as a model of consistency in the EU system. Indeed, then High Representative Solana commends the EP for its unity: "Not a single Member of the European Parliament has spoken out against condemnation of North Korea's behaviour" (ID 663).

The MEPs are not only unsatisfied with their limited formal powers, they also complain that the Council sidesteps the small influence that has been carved out for the Parliament in foreign policy. According to Van den Bos (ID 381), the Council "hardly ever" consults the Parliament in foreign policy, even though it is obliged to. This, he argues, is "unacceptable", since "[t]he European Union's role in the world concerns the European citizens and therefore their representatives". De Rossa (ID 488) protests against the refusal of the Council to reveal which Member States opposed the inclusion of three European companies in sanctions against Burma: "The Council is either open or it is not."

Indeed, the High Representative or Members of the Council seldom comment on difficulties in reaching unanimity in the Council, and even less are the Member States named that block the decisions. Hence, in effect, the EP's right to be informed (as of Lisbon) does not include access to Council deliberations. Several MEPs have pushed High Representative Ashton to reveal who prevented President Assad from being included in the EU's early sanctions against Syria (1D 1266; 1272; 1268; 1270). Hence, MEP Cohn-Bendit (ID 1266) asks:

Which country or countries are currently preventing the European Union from taking the only possible decision? Please tell us. If Mr Westerwelle is the obstacle, then tell us that it is Mr Westerwelle: at least that way, we will know what is shaping different Member States' policy.

MEPs Ashton replies: "I cannot just give you a list of Member States who said yes or no. There were strong views about how we do this, bearing in mind some of the situations" (ID 1667).

In this context, it is interesting to note how MEPs try to convince Catherine Ashton to share information. To mention just two examples: MEP De Keyser (ID 1268)

promises that the Parliament “will always be behind you if you have the courage to provide a strong vision”, and MEP Brantner (ID 1270) pushes for the HR to ally with the Parliament and be tougher with Member States. She points out that Member States “do not want to see you strong”, “they will not support you and will not save your life as High Representative”, and “[t]hey are not a guarantee for you to stay in your job, I promise you”.

That the relationship between the three institutions is not all harmonious is also mirrored in the substantial disagreements revealed in the statements. Howitt (ID 634) questions the Council’s devotion to human rights. Van Orden calls the reaction of the Council towards Zimbabwe and Mugabe “limp-wristed” (ID 513). Frank Vanhecke (ID 590) “partly” blames Commissioner Louis Michel for the deterioration of the situation in Cuba – “that museum of Stalinism” and for advising the Council not to impose diplomatic sanctions. Moreover, it is telling that any agreement between the Council, the Commission and the Parliament is considered to be something quite exceptional. Schroedter (ID 563) comments on the situation in Belarus, pointing out that the “convergence of views even extends to the Commission and the Council.” Hans Winkler, President-in-Office during the spring of 2006 declares: “what a joy it is that we are all agreed on the need for the three institutions of the European Union to speak to the outside world with one voice if they are to be effective (ID 636; also ID 626).”

## What about the people?

For the European Union to have a political identity means that it has resource [sic!] to narratives, symbols, values, and rules that legitimise the community and its institutions: legitimacy, in turn, implies the citizens’ acceptance of risk and sacrifice, above and beyond the intermediation of member states (Henry, 2001, p. 50)

This section deals with the role domestic audiences play in arguments regarding sanctions. Thereby, it investigates whether the acceptance on the part of the citizens features in the EU politicians’ notions of legitimacy when it comes to sanctions. Although few citizens are directly involved in decision-making on sanctions, the opinions of ordinary people can selectively serve the policymakers purposes when debating. This section pays attention to whether the domestic audiences in the EU

discourse on sanctions are primarily found at the European or the national level. This brings a final aspect to the issue of internal autonomy in the sense of 'Europeanness'.

Already Galtung's (1967) endogenous model stated that sanctions could be used to show that something is being done to domestic audiences, and Lindsay (1986) pointed out 'domestic symbolism' as one reason to use sanctions that are exogenous to the target. According to this logic, sanctions are imposed to satisfy the electorate, pressure groups<sup>139</sup>, or in other ways benefit domestic politics (Ang & Peksen, 2007, p. 138).

This emphasis on domestic symbolism is in direct contrast with the long-accepted view that foreign policy – with the exception of war and possibly sanctions that have large scale humanitarian consequences – is of peripheral interest to the electorate. According to Cox & Drury (2006, p. 711-712; also Drury, 2001), even though it "seems likely" that publics would prefer non-violence to the use of force, with some exceptions "the public tends not to pay much attention to sanctions".

The superficiality with which foreign policy issues are considered by domestic audiences, however, is debated. Aldrich et al (1989) argues that public 'blindness' to foreign policy is, at least in the American context, overstated, and Risse-Kappen (1991) finds that around 20-30 % of electorates estimate foreign policy issues to be amongst the most important issues. Alastair Smith (1996) argues that when governments are convinced that they will be re-elected, or certain that they will lose power, their foreign policies will take only "international factors" into consideration. On the other hand, when voters' opinions on foreign policy can potentially influence the outcome of elections, "then governments are biased towards violent, adventurous foreign policy projects" in order to gain the electorate's attention (p. 133).

Since there is no functioning *electoral* democracy at the European level<sup>140</sup> (Follesdal & Hix, 2006; Weiler, Haltern, & Mayer, 1995; Majone, 1998), it seems implausible that the EU's sanctions policy would be determined by vote-seeking

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<sup>139</sup> For more on the influence of pressure groups see Malin & Latman 2001, p.222; Kaempfer & Lowenberg, 1988; Nossal, 1999; Farmer, 2000, p.94; Doxey, 1983a, p. 85; on the role of media for the creation of domestic pressure – "the so-called CNN effect" – see Haass 1997, p. 76. In EP debates, the civil society factor is visible mainly through the speakers' attempts to justify arguments with reference to renowned organisations such as Amnesty International (ID 18, 140, 172, 288, 296, 401, 568, 675, 787, 819, 964, 1004, 1075, 1246, 1302, 1331, 1362) or Human Rights Watch (ID 185, 541, 587, 590, 675, 1246, 1374, 1513).

<sup>140</sup> Whether or not this amounts to a 'democratic deficit' is a separate matter, which ultimately falls back on which normative notion of democracy is advocated (compare Follesdal & Hix, 2006; Majone, 1998)

behaviour. Foreign policy is hardly prominent on the second-order European political arena, and these issues are even less noticeable in the national arenas. There is also no EU government that needs to worry about re-election. Thus, if Alastair Smith's (1996) model holds, the Council and the Commission will not take the domestic factor into consideration, because they are not directly accountable towards European citizens.

Instead, in the multilevel setting of the Union, there are many opportunities for blame avoidance vis-à-vis the public. National governments have a reputation of using Union politics instrumentally in the sense that they use the Union as the scapegoat for failed policies and take credit for success stories (see Moravcsik, 1994). Whether scapegoating and credit-seeking are actually fruitful within the context of EU foreign policy, however, is less certain. Considering this background, we would not expect the European publics to figure a lot in debates on sanctions. On the other hand, were the domestic factor to appear, the European Parliament – as it is the only directly elected EU-institutions – seems the most likely place for it.

Indeed, some speakers turn to the European publics to justify their position on sanctions. Commissioner Patten (ID 471) speaks of the importance of the European public's opinion on whether the arms embargo against China should be maintained or lifted. MEP Kelam deplores the lifting of "sanctions" against Cuba and argues that "[p]erhaps our citizens are tired of sophisticated routine compromises between short-term national interests and EU principles" (ID 862). MEP Beglitis, on the other hand, asks for the European Union to "listen to the voice of European public opinion, of our people, and proceed to lift sanctions and develop relations and contacts with Cuba" (ID 460). Elsewhere, Beglitis (ID 694) argues for a legally binding regulation on arms trade, referring to the European citizens: "European citizens want to know what the national, economic or strategic interests are of those governments and Member States that are still obstructing our wish to convert the code of conduct into a much more binding instrument and political position".

A few speakers turn to Europeans in a specific role: as taxpayers. This is especially valid for cases where linkages are made between sanctions and development aid (Schroedter ID 292; ID 1297). MEP Sajjad Karim (ID 588) justifies the no-contact policy towards Hamas as follows: "the taxpayers in the EU will not be in a position to sustain political activity conducted along violent lines".



Richard Howitt (ID 1214) is more sceptical to the public opinion's influence on foreign policy. In his opinion the EU – including fellow MEPs – has been very belated in criticising the severe human rights violations in Libya. He argues that “[t]ough sanctions against departing dictators at a time of crisis look good to European public opinion, but tough standards before a time of crisis look even better for the people we say we are trying to help”. A decade earlier Della Vedova (ID 239) finds EU's association agreements with Lebanon, Algeria, Tunisia, and Laos to be hypocritical and accuses them of hurting “the Union's internal and international credibility”. He believes that since the EU does not dare “to make a stand against the governments”, the agreements are falsely “reassuring the European public of its commitment to freedom and to providing guarantees for the citizens of the contracting countries”.

This section has highlighted some statements that place the common citizen at the centre of attention. However, the overall impression is that few politicians refer to public opinion to justify their position on sanctions. Maybe the high levels of support for the foreign policy explain why politicians do not engage citizens further in these debates. ‘If it is not broken, do not fix it’, seems to be the reasoning when it comes to the confidence of EU citizens. Yet, when speakers do mention domestic audiences, they tend to speak of a European public and of European citizens. In spite of the tendency to attribute certain sanctions cases to particular Member States, national demos are basically absent in EU discourse (cf. ID 407, however on EU integration generally, not specifically on sanctions). With regards to this aspect, at least the specific arena of the European parliament discourse on sanctions has already been Europeanised.

## Conclusion – the Autonomy of the Self

This section has turned to an inward-examination of the EU as a sender of sanctions. We have seen how the EU discourse testifies to a continued strong Member State dimension. This is not surprising *per se*, but the discussion of the value of unity it is worthy of note. While some speakers worry that disunity will hinder the efficiency of sanctions, the credibility of the EU as an international actor continues to be the main issue at stake in most of the statements. The concept of credibility may, in turn, be related to a fear of diminished ability to incite target change, but this is rarely explicitly expressed.

Moreover, we have seen that the parties on the left- and right-wing ends of the European political spectrum are more critical of sanctions than the mainstream party groups. It is particularly true for ideologically charged sanctions cases that knowledge of the political affiliation of a MEP considerably improves the chances of guessing his/her position on sanctions. However, in most cases the political mainstream is rather cohesive, across nationalities. We have found evidence of inter-institutional tensions, where MEPs call for more influence of the European Parliament or ask for Council and Commission representatives to live up to their duties. Finally, European citizens only make sporadic appearances in the discourse on sanctions. This is remarkable for a study that focuses on the directly elected European Parliament.

Further complexity is added by the fact that the EU sanctions policy goes beyond a two-level game between Member States and the EU institutions. Once the decision to impose a sanction has been made, the sanction becomes a part of the wider international playing field. Thus, sanctions turn into the bricks of an external identity formation project. The following section is devoted to the external autonomy of the EU as an actor in sanctions. By investigating how the EU considers other actors when it discusses its own use of sanctions, we can draw a more complete picture of how sanctions delineate boundaries between entities on the world stage.

## The EU and All ‘the Others’ – External Autonomy of EU Sanctions

The cooperation problems that characterize economic sanctions are ones in which states want to avoid acting in isolation.

Martin (1992, p. 12)

A good deal of work has been done on the conditions and consequences of cooperation when it comes to sanctions (Martin, 1992; Drezner, 2000; Bapat & Morgan, 2009; Elliot, 2007).<sup>141</sup> Most of these contributions are interested in finding out whether multilateral or unilateral sanctions are more likely to succeed. As is usual when it comes to research on sanctions, opinions are split. Drezner (2000, p. 73) finds that the level of cooperation and the success of sanctions are either unrelated or negatively correlated: “At least four studies conclude that successful episodes of economic coercion exhibit the least levels

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<sup>141</sup>The experiments of Fehr & Rockenbach (2003) show that the existence of sanctions in economic games lower the level of altruistic cooperation, *if* sanctions are perceived to be motivated by self-interest. If, on the other hand, sanctions are perceived to be fair, altruistic cooperation may be maintained.

of cooperation among the sanctioning states” (see also Miers & Morgan, 2002; Elliot, 2007). Bapat and Morgan (2009, p. 1075), on the other hand, argue that cooperation with regard to sanctions tends to occur over issues that are especially difficult to resolve, and that in the light of this, “multilateral sanctions do appear to work more frequently than do unilateral sanctions”.

In this section, I will analyse how the EU speaks about other actors when it discusses its own use of sanctions. This means that I am interested not only in cooperation *per se*, or in how it relates to effects on targets, but in a broader range of positively or negatively connoted interactions between the EU as a sender of sanctions and third parties. With whom does the EU seek to team up, and towards whom does it distance itself? Is the Union a maverick or a team player in sanctions? To answer these questions, I start by presenting the main actors that the EU engages with, and I continue by categorising the type of engagement. Here it has proved to be useful to distinguish between occasions, where (i) the EU searches for cooperation with other actors on seemingly equal ground (ii) where the EU takes the lead and imposes sanctions expecting others to follow (iii) where the EU bandwagons onto other actors’ sanctions, and (iv) where other actors are encouraged to take action, or are alternatively criticised for their actions or non-actions.

### **A Crowded Playfield**

According to Lang (2008, p.1), “international society has become increasingly punitive”, and the use of sanctions is a central element of this trend. Indeed, as new sanctioning actors emerge – for instance the African Union and the Arab League – the playfield of sanctions becomes increasingly crowded and new opportunities for both cooperation and competition emerge. More than 60% of the statements on sanctions in EP debates contemplate other actors. Furthermore, 72 actors in 167 different combinations are mentioned. These actors are listed in the table below (4.8), with the most frequently mentioned bystanders in bold.

Table 4.8: Bystanders Mentioned in EP Debates on Sanctions

European Countries	Non-European Countries	Organisations	Other Constellations
<u>EU</u> Belgium Bulgaria Cyprus <b>France</b> Germany Ireland Italy Latvia Romania Spain Poland Portugal <b>United Kingdom</b>  <u>Non-EU</u> Norway Serbia <b>Turkey</b>	Australia Bangladesh Brazil Canada <b>China</b> Emirates India Iran Israel Japan Lebanon New Zealand Nigeria Pakistan Palestinian Authority <b>Russia</b> Singapore <b>South Africa</b> Taiwan Thailand Tibet Ukraine <b>United States</b>	<b>African Union</b> Arab League Association of Southeast Asian Nations Commonwealth Council of Europe Economic Community Of West African States Fédération Internationale de Football Association International Atomic Energy Agency International Labour Organisation Red Cross Organisation for Economic Cooperation and Development <b>United Nations</b> World Trade Organisation NATO Organisation of the Islamic Conference Organisation of American States <b>South African Development Community</b> Union of South American Nations	ACP-countries Arab world aspiring member states contact group <b>international community</b> international players Latin America Muslim world <b>neighbours of Burma</b> neighbours of North Korea poor African countries nuclear powers the Quartet <b>Southern Africa, the 'West'</b> world community

As you can see in the first column, a number of EU Member States emerge as ‘internal bystanders’ in the sanctions discourse, i.e. they are discussed as though they were independent actors and are not considered in their EU Member State capacity. Candidate countries and potential candidates do not figure prominently (European Commission, 2012c). Serbia and Turkey are mentioned but not in this capacity. Instead, candidates and certain neighbours “align themselves with the measures imposed by the EU” and are thereby internalised in the sanctions policy (Council of the European Union, 2011a, p. 8).

Moreover, apart from the UN and the US, the speakers do not engage much with co-sanctioners. For instance, Australia, New Zealand, and Canada all have their own sanctions policies that in many cases overlap with the EU’s, yet they are barely present in the data. Even the US is not primarily discussed as a co-sanctioner, but is more often referred to as a role model or as a rival. Moreover, conflict parties are mentioned very

little; this is most likely due to the fact that most sanctions address non-military norm-violations or internal conflicts. Two exceptions are Israel and the Palestinian Authority, which have clear roles as bystanders to sanctions and threats of sanctions against each other. A number of organisations are also mentioned, and special attention is given to the African Union, ASEAN, and SADC. The emphasis on these organisations clearly embodies the Union's predilection for regional actors to take responsibility (see Farrell, 2009). This also comes through in references to countries and other constellations, which focus on neighbours or big regional players. A majority of the statements discuss more than one bystander, often a combination of a regional actor and the UN, and it is not unusual to see many bystanders mentioned all in the same statement.

The EU speaks of its many partners in world affairs, but the position of the UN as the most commonly mentioned other actor when it comes to sanctions remains unchallenged. This stems from the fact that the UN is uniquely entitled to impose mandatory international sanctions and respects the EU's declared conviction that "the fundamental framework for international relations is the United Nations Charter" (Council of the European Union, 2003a, s. 4). That important EU Member States are permanent members of the Security Council and that UN sanctions are implemented at the EU level further enhances the proximity between EU and UN sanctions.

In the very first paragraph of the Basic Principles (Council of the European Union, 2004a, p. 2), the Council pledges that its use of sanctions should be brought into line with "the principles of the UN Charter and of our common foreign and security policy" and that it will "work continuously to support the UN and fulfil our obligations under the UN Charter". In the same vein, the Council's report on the Implementation of the European Security Strategy (ESS) states that "[e]verything the EU has done in the field of security has been linked to UN objectives" (Council of the European Union, 2008a, p. 2).

The 2011 "Recommendations for working methods for EU autonomous sanctions"<sup>142</sup> and the 2008 EP report on sanctions (Council of the European Union, 2011a, p. 8; European Parliament, 2008) both highlight that UN sanctions are in principle preferred to EU sanctions (see also Jouyet, Council, ID 891). As permanent

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<sup>142</sup> In the Council Registry only the introduction to this document is public (<http://register.consilium.europa.eu/pdf/en/11/st18/st18920.en11.pdf>). However, through Statewatch it is available in its entirety.

members of the Security Council, France and United Kingdom routinely try to impose sanctions at the UN level before opting for the 'autonomous' European route. In this sense, the EU's sanctions policy is a direct consequence of the non-imposition of sanctions at the UN level. Consequently, the UN is discussed in primarily two ways: through calls for UN action and reflections on existing UN sanctions, including the possibility to adopt additional EU sanctions on top of UN measures that are already in place.

More than 8 out of 10 statements involving the UN express proximity/positive judgments (50% strong alliance, 36% weak alliance)<sup>143</sup>, or take EU/UN cooperation for granted (ID 331; ID 1045). Following the refusal to let the UN secretary general enter into Burma, MEP Howitt (ID 777) speaks of the UN's moral superiority: "There can be no moral equivalence between the visa ban on the Burmese generals and their ban on the legitimate representative of the international community." However, the existence of an autonomous sanctions policy is in itself evidence that the relationship to the UN is not always harmonious. MEP Gawronski (ID 894) clarifies that the principal precedence of UN sanctions "does not prevent the European Union from adopting its own sanctions for particular situations where these measures would be more direct and easier to apply in terms of time, specificity and geographical proximity, according to the principle of subsidiarity".

That the US is given the second most amount of attention of all bystanders is likewise expected. As the world's only obvious superpower, most active unilateral sanctioner, and long-term European ally, the US is a continually relevant bystander to the EU's sanctions policy. Yet, since the US is also the international actor most inclined to use force in international relations, it is not always considered primarily in its capacity as a sender of sanctions. MEP Pinheiro (ID 542), for instance, associates EU sanctions with soft power and US unilateralism with hard power, speaking of a growing distance between the two actors.

The importance of the US for European-level foreign policy is as strong as it is double-edged. It is a basic fact that the US influenced and encouraged the early post-war steps taken towards European integration, and it has maintained its special relations with the EC and the EU throughout the years. The Council's 2008 report on the

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<sup>143</sup> 1999-2010: n=1136

ESS straightforwardly states that “[f]or Europe, the transatlantic partnership remains an irreplaceable foundation, based on shared history and responsibilities” (p. 2). Yet, the EU’s international identity is partly constructed in opposition to the US. According to Krotz (2009, p. 562): “Europe has found in the United States a new ‘Other’. It increasingly enjoys defining itself as ‘not-America’ and is home to varying kinds of burgeoning and widespread anti-Americanism.”<sup>144</sup> A very concrete expression of the tensions in US-European relations is the former’s inclusion of European companies in its sanctions packages against Cuba (Helms-Burton Act) and Libya and Iran (D’Amato Act) and the latter’s response in the form of (counter)sanctions. In response to this attack on European businesses, the EU has long-standing blocking sanctions in place against the US since 1996 “protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom” (Council of the European Union, 1996; Smis & van der Borgh, 1999). Hence, the US is not only an important bystander to the EU’s sanctions policy; it is also a target of it.

## Cooperation and Coordination

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph [democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law]. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations. (TEU 21:1 para 2.)

In accordance with Martin (1992), I conceive of cooperation in a broad sense to mean “any joint activity” between actors.<sup>145</sup> Judging from the Treaty writing as quoted above, cooperation with other actors ought to be a pillar of the EU’s foreign policy. Sanctions

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<sup>144</sup> Indeed, Eurobarometer data suggests that not only do Europeans want the EU to join in a common foreign policy, they also overwhelmingly want this policy to be independent from that of the US (Eurobarometer 61, 2004; Eurobarometer 62, 2005; Eurobarometre 64, 2006; Eurobarometer 66, 2007). During these years 73–82% of respondents tend to agree with the statement that “European Union foreign policy should be independent of United States foreign policy” (Eurobarometer web archive). As is discussed later in this chapter, a group of speakers in the EP shares this view.

<sup>145</sup> Martin (1992, p. 10) speaks of “joint activity *between states*”. Since this is a study of a non-state actor, this has been changed to “between actors” for the purpose of this thesis. Whether or not these actors are states thus becomes a matter of empirical investigation.

are no exception. The Recommendations for working methods proscribe that "[w]hen adopting autonomous sanctions, the EU should, through outreach, actively seek cooperation and if possible adoption of similar measures by relevant third countries in order to minimize substitution effects and strengthen the impact of restrictive measures" (Council of the European Union, 2011a, p. 8). Coordination of the Union's autonomous policy with "the international community" is also discussed in the 2008 European Parliament report on sanctions, where Member States are encouraged to "systematically [...] seek to internationalise sanctions issued by the European Union" (p. 18). Moreover, parliamentary bodies are called to use "their contacts with parliaments in non-sanctioning countries so as to enhance understanding of existing EU sanctions regimes" (p. 18).

In spite of evidence that cooperation is unrelated or negatively correlated with inciting target change (Drezner, 2000; Miers & Morgan, 2002; Hufbauer, Schott, & Elliott, 1990, p. 95 ff), effectiveness of sanctions and international coordination are positively linked in EU discourse. The connection between the two is uncontested in the wording of the basic principles (Council of the European Union, 2004a, p. 2): "The Council will work to enlist the support of the widest possible range of partners in support of EU autonomous sanctions which will be more effective when they are reinforced by broad international support."

It is of note that the writing establishes that *support* of the EU's autonomous sanction, rather than an unprejudiced cooperation or coordination with 'partners' from the preparatory stage onwards, is a working objective. In addition, the prospect that the EU would support sanctions imposed by partners is not mentioned. Together with the aforementioned practice of alignment, this unveils the power dimension of 'cooperation' in sanctions. When speaking of less resourceful third parties, it is rarely a question of truly joint action, but of offering them something in exchange for *joining* or adhering to the EU sanctions.<sup>146</sup> Hence, MEP Cashman (ID 286) wishes to "aid and support those African states which take similar punitive actions against the Mugabe regime", and Van Orden (ID 871) believes in "persuading African countries, especially the SADC, to join these sanctions against the Mugabe regime". In contrast, joint action

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<sup>146</sup> Diez & Whitman (2002, p. 61) see applicant countries' alignment with CFSP positions as an expression of the Union's 'civilian power'.



with the US is proposed by MEP Svensson (ID 1109, Cuba), MEP Tannock (ID 723, Iran) and MEP Van Orden (ID 211, Zimbabwe).

The “Recommendations for working methods for EU autonomous sanctions” (Council of the European Union, 2011a, p. 8; also Ashton, 2012) present the effectiveness of sanctions as being “directly related to the adoption of similar measures by third countries”, and makes special reference to the alignment procedure. If UN sanctions are not possible, “the aim should be to bring as much as possible of the international community to exert pressure on the targeted country”. A range of statements in EP debates shares the view that the ‘more is merrier’ with regard to imposing sanctions, and treats the connection between coordination and effectiveness as a given (ID 861, ID 947, ID 902, ID 522, ID 1026, ID1035, ID 1471; also European Parliament, 2008, p. 27). MEP Vlasto illustrates well the intimacy and simplicity of the linkage, when he declares: “An absence of coordinated multilateral action would result in less effective sanctions” (ID 1515). An applied example of the same reasoning is the case of Guinea-Conakry, for which Cecilia Malmström from the Swedish Council Presidency calls for coordination of targeted sanctions with the African Union (ID 1035). She is confident that joint action with the “international community”, as well as discussions with the US and the AU, are key to having more effective sanctions (ID 1031; also MEP Bielan, ID 1035).

Others discuss international cooperation as a way of increasing the credibility of sanctions. For Jouyet, President-in-Office of the Council, international cooperation is “what underpins credibility” (ID 891). Stenzel (ID 355) argues: “it is only credible for the EU to act in partnership with the US, not in opposition to it.” Silvestris (ID 1510) presents international coordination as decisive both for efficiency and credibility: “Sanctions which are not internationally coordinated can prove ineffective and counterproductive to their stated aims, can undermine the transparency, credibility and coherence of the European sanctions policy.” That even international cooperation is linked to credibility signals how attached the EU is to a self-image built on multilateralism.

In this respect, Martin’s (1992, p. 11) finding for which the sender’s “considerations of credibility provide the most explanatory leverage” for the dynamics of cooperation is interesting. It is through “a credible commitment to sanctions” that the initiator can “convince others to cooperate”. Such a commitment, she argues, can

be reached either by showing readiness to take on costs through the implementation of sanctions, or by anchoring the measures to international institutions.<sup>147</sup> Seeking credibility through the UN has a strong presence in EU discourse. Moreover, implementing sanctions at the European level can already be conceived of as a “commitment mechanism” – where credibility benefits can be drawn from the multi-national institution that the EU is. This is also why unity becomes such a big issue for the EU’s credibility. If Member States are not united, the institutional credibility of the EU evaporates. A problem with this way of arguing, however, is that the existence of a ‘leading sender’ is not as visible in the EU as it might be in other international institutions.<sup>148</sup> Thus, in this case it is not as simple as saying that “the leading sender’s reputation is at stake in any threats or promises made within the institution” (1992, p. 12). Instead, the whole institution jointly carries the burden of establishing credibility.

In contrast, that the self-imposition of costs through sanctions would be a way for the EU to gain credibility – and thereby become an interesting partner for cooperation – is basically absent in the discourse. Instead, Ashton makes assurances that “in any sanctions that we introduce, we are very mindful of the domestic impact because the effect is not designed to hurt us” (ID 1459, see footnote 99 of this thesis). It might be that other actors refrain from cooperating with the EU if this disinterest in costs is interpreted as a low commitment from the EU. It is not, however, possible to tell from the data consulted in this thesis alone. What can be stated is that EU representatives do not discuss the EU or other actors in this way. One plausible explanation for this is that since targeted sanctions are cheaper than comprehensive ones, taking on costs has become out-dated as a sign of commitment. On the other hand, comprehensive measures are finding their way back into the sanctions repertoire (perhaps as an act of

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<sup>147</sup> It has repeatedly been suggested that the key to achieving credibility is to show readiness to take on costs (see Hoffmann, 1967, p. 155; Lektzian & Sprecher, 2007; Fearon, 1997). Leaning on Fearon’s (1997) work, Lektzian & Sprecher (2007, p. 416) define so-called costly signals as “actions that generate costs that the leader would not be inclined to absorb if he or she were unwilling to carry out the promise or commitment that was made”. Costly signals thereby provide a means for an actor to be perceived as credible by distinguishing itself from other actors who are unwilling to take on costs. However, it should be noted that costs in the field of sanctions are ambiguous. Claims are often made that sanctions are expensive for senders, both economically and politically speaking. In contrast, Lektzian and Sprecher argue that one problem of sanctions is precisely that initiators’ try to minimize their own costs by designing ‘cheap’ sanctions that end up signalling weakness instead of resolve, credibility, and strength (2007, pp. 417, 429).

<sup>148</sup> Compare, however, with Jones (2007, p. 107-109) who is interested in determining who is the primary sender also when it comes to collective EU sanctions. Jones notes: “[b]y the current decade, all sanctions cases in which a European state was a primary sender were being done through the EU” (2007, p. 107). Yet, the difficulty in identifying leading/primary senders for the case of EU sanctions shows in his’ own table (4.1), where the EU is collectively listed as the ‘primary sender’ for most cases.

desperation in turbulent political times), for instance against Syria (Eriksson & Giumelli, 2011). Moreover, as the EU imposes an import ban on Iranian crude oil in the midst of the European economic crisis (Council of the European Union, 2012, 5457/12 presse 10), costs are becoming increasingly relevant for the sanctions discourse. However, even these statements do not seem to consider costs as a way of demonstrating one's level of determination (ID 1458; 1438; also ID 704 on sanctions against Belarus). Instead, MEP Kovács (ID 1458) asks: "How will we explain to our voters here in Europe why a litre of fuel costs more than EUR 2, and how will we solve the problem of long queues forming at petrol stations?"

In conclusion, the overall impression is that the EU is enthusiastic about 'cooperation' as long as it is on its own terms. It actively seeks the support of other actors for its own measures, but abstains from committing to cooperation itself. In spite of all the statements that are in principle favourable toward international cooperation, concrete expressions of cooperation hardly ever appear in EP debates or official documents. For instance, when Council President Van Rompuy compliments the AU for its "emerging role as an important norm setter, notably in the strict policy on unconstitutional changes of government", he does not indicate any intention to increase cooperation on sanctions between the EU and the AU (African Union Commission and European Commission, 2010a). An unusual example of concrete cooperation being initiated comes from Antunes, President-in-Office of the Council during the autumn of 2007. He wanted to organise a workshop together with the United States, on "the application of financial sanctions for combating terrorism".

### **Pressuring Other Actors to Move**

I call upon the African Union to show the world what it can do.

MEP Tannock (on Sudan, ID 436)

In her seminal work *Coercive Cooperation*, Martin (1992) discusses two aspects in which sanctions are coercive. First, she concurs with the conventional understanding that the purpose of sanctions is to *coerce* the target to change; i.e. force the target to change in ways it would not otherwise do. To this she adds that the initiator of a sanction can coerce other actors into cooperating on a sanctions policy. In this study, I find that while the EU rarely speaks using openly coercive terminology, many of its discussions regarding other actors are far from friendly and accommodating. Particularly, there is a

tendency to reason in terms of geographical special responsibilities, where bystanders in the neighbourhood are pushed to live up to the Union's expectations, at times to the extent that sanctions against non-obedient bystanders are proposed. Considering the question posed by this thesis regarding the EU's role in the world, this partial outsourcing of immediate responsibility in the sanctions discourse is worthy of mention.

Hence, the EU focuses not only on its own actions and strategies for successful sanctions, but a good deal of the statements turn attention toward what bystanders should or should not do. The role of sanctions in expressing distance and proximity to third parties emerges strongly in the case of Iran. In 2006, then President-in-Office of the Council Cecilia Malmström (ID 606) judged that "the course of events in Iran depends on the world's powers standing as one." Six years later, the world continues to be divided on how to deal with Iran's nuclear experiments. Mikulénienė (ID 1444) believes in bringing sanctions against Iran and finds it "disappointing that certain countries with global ambitions are unable to eschew narrow national interests and stand on the side of global security – I am talking about Russia and China". Van Dalen (ID 1374) wants the EU to impose stricter sanctions on Iran, and "push both Russia and China to do likewise, as that is key". However, there are few signs that the gap will close. In response to the intensification of EU autonomous sanctions in January 2012, the Russian foreign ministry stated that "It's apparent that in this case there is open pressure and diktat, aimed at 'punishing' Iran", and China describes the sanctions as "'blind pressure' that is 'not constructive'" (EU Business, 2012-01-26).

China and Russia are not the only relevant bystanders to the EU's policy on Iran. In June 2010 Brazil and Turkey, two non-permanent members of the UNSC at the time, voted against new sanctions on Iran (United Nations Security Council, 2010b).<sup>149</sup> They argued that the route of positive engagement that they had initiated through the Tehran Declaration (17 May, 2010) had already taken effect and that "the adoption of new sanctions by the Security Council will delay, rather than accelerate or ensure progress in addressing the question" (United Nations Security Council, 2010a). De Gucht, Commissioner for Trade, observed how Brazil and Turkey "diverge tactically" from the EU in their attitude towards sanctions, while they continued to "find common ground on the principles", i.e. commitment to non-proliferation (ID 1134). The way that

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<sup>149</sup> Lebanon abstained (United Nations Security Council, 2010b).

MEPs discuss Turkey's position on UN sanctions against Iran shows that sanctions have a special normative weight. An actor's position on sanctions against a third party can be decisive for its future relations with the EU (MEP Tzavela, ID 1087; cf. MEP Lambsdorff, ID 1126): "If we introduce new sanctions against Iran, Turkey's stand in the UN Security Council will be a starting point for clarifying the future of modern Turkey, at which point we shall speak differently about Turkey in this Chamber".

As the situation in Syria grows ever more desperate, China and Russia's sanctions scepticism is often judged to be a moral failure. While their stance is seen as evidence of their normative difference, calls to push them to reconsider their strategy have intensified. In September 2011, MEP Kasoulides (ID 1319) stated: "the time has come to toughen our approach towards Russia and China", and MEP Scurria (ID 1391) called for the High Representative to focus "on putting huge pressure on the UN, China and Russia, because if President Assad feels he has support in China and Russia, he will not feel isolated". MEP De Sarnez (ID 1362) believes that by blocking UN sanctions against Syria, "China and Russia have taken on a heavy moral and political responsibility" which has rendered them "complicit".

The EU also pushes other parties to take action in situations in which the UN is less active. Paleckis (ID 968; also Van Orden, ID 770; Barrot, Commission, ID 822) argues that the "keys to the situation in Burma lies both in Moscow and especially in Beijing and Dehli". Therefore, "[p]ressure must be increased not only on Burma, but on those other countries as well". Hans Winkler, President-in-Office of the Council during the spring of 2006, speaks of differences in opinion on sanctions in terms of values, and ensures that EU is "not afraid" to discuss the topic of sanctions against Belarus with Russia, the most important bystander in this case (ID 626; cf. MEP Hennis-Plasschaert, ID 624). MEP Gomes expresses her desire for the EU to "speak frankly" and to put pressure on China to act in Sudan, since "it is very much *responsible* for the Al-Bashir Government's attitude" (ID 702; also MEP Karim, ID 725 on China and Russia).

African countries and organisations, especially the AU, SADC and South Africa, are judged to be important actors that can push the Mugabe regime in Zimbabwe towards change. MEP Nicholson (ID 411) goes as far as blaming Zimbabwe's neighbours for worsened relations between Africa and Europe: "Not only have southern African countries been unwilling to exert pressure on Mr Mugabe, they have also allowed him to dictate the terms of Africa's relationship with Europe, and that is worse".

In contrast, Commissioner Louis Michel (ID 876) recognises that the African Union has a difficult role as a bystander to EU sanctions against Zimbabwe. It needs to “juggle” one “extremely and openly critical” opinion of the Zimbabwean regime, and another that says that “more flexibility is needed, that sanctions will be useless, and that there should not be any sanctions” (see chapters 6 and 7 of this thesis). The increased Chinese interests in Africa are also taken note of. MEP Van Orden worries that “[t]he Chinese Government seems to have no inhibitions in bolstering tyrannical regimes” and deplores the absence of diplomatic efforts “to close down those international sources of support that keep Mugabe in power” (ID 647).

With regard to sanctions against Burma and Zimbabwe, pressure applied to bystanders sometimes amounts to threats of negative consequences for the third party in its relations to the EU. The logic of arguing here seems to have been inspired by the familiar “you’re either with us, or against us” way of thinking as it is applied to international relations. Pushed that far, the negative pressure borders on becoming a type of second-order sanctions.

MEP Matsakis (ID 766, also ID 832) would like to threaten China with “trade sanctions and an investment embargo” for supporting the Burmese regime and making EU sanctions “all in vain”. MEP Nassauer (ID 827) similarly argues that “China has moved in to fill the economic vacuum created by the West’s sanctions and is reaping the benefits”, and MEP Romagnoli (ID 826) proposes to use “similar pressure” (similar to tightened sanctions) “against states such as China, Russia and India”.

MEP Vanhecke (ID 740) refers to the Cotonou agreement obligations to suggest that SADC’s “support for Robert Mugabe and the government of Zimbabwe” should have consequences for “the financial and other assistance for those countries”. MEP Korhola follows a similar line of reasoning, and would distribute rewards and penalties to third parties depending on their attitude toward EU sanctions against Zimbabwe (ID 885):

The EU must support and encourage those African states which are seeking to boycott Zimbabwe in relations with Africa. By contrast, South Africa’s political and economic support for Mugabe’s rule and the expulsion of Zimbabwean refugees from South Africa are contrary to our shared values. I also wished to lend my support to the idea set out in the resolution that this dispute may and should have negative consequences for relations between the EU and South Africa.

Not everyone is comfortable with rendering their relationships to third parties dependent on their support of EU sanctions. MEP Maes (ID 412) explains that the greens refrained from signing a Council Resolution on Zimbabwe because of disapproval with the practice of pressuring third parties:

Not in any way do we dispute the description of the misery in Zimbabwe, and we can endorse the rigorous condemnation of the Mugabe regime, but we have problems with pointing the finger at the surrounding countries and saying that it is they who have to remove Mugabe from power. [...] we are demanding things of the countries of Southern Africa that we ourselves are unable to do. What are our sanctions actually achieving?

Diamantopoulou, Commissioner for Employment and Social Affairs, thinks that negative effects on regional relations should be brought into the equation when deciding on how to approach Zimbabwe: “the advantage of extending this ban to other people should be examined in relation to the damage which this might inflict on the Union’s contacts with the SADC” (ID 274). Another example that values broader regional relations comes from RELEX-Commissioner Patten. He expresses understanding of the Council’s concern not to let the ASEM-process “be taken hostage by our concerns over Burma.”

## **Bandwagoning**

Only when states (other than the leading sender) are assured that others will act will they impose sanctions. This constitutes bandwagoning behaviour, and I find extensive evidence of it in both the statistical analysis and case studies.

Martin 1992, p. 12

While the EU often pushes neighbours of targets to behave in certain ways, it does not always present itself as having the upper hand. Analysis of non-European media shows that the EU is often perceived as a follower rather than a frontrunner (see chapter 7). We can expect there to be less evidence of bandwagoning in EU discourse, since an actor is likely to want to point out its own agency rather than its sources of inspiration. This section highlights the occasions in which the EU speaks of itself as following other actors when it comes to sanctions.

The US is the most commonly named leader in statements on sanctions. MEP Cambó (ID 909) explicitly speaks of the US as a role model in sanctions, and at the same time criticises the EU’s ‘press-conference approach’ to politics:

We are learning from what the United States have done in North Korea and the freezing of bank accounts in Macao. We are studying this example, which received very little publicity but was much more effective than holding numerous press conferences against a particular government.

Other examples include MEP Tannock (ID 436), who predicts that the EU will "follow suit" after US initiated trade sanctions against Sudan (see also ID 355). Some worry that the EU is following in the footsteps of the US too closely. MEP Ribeiro speaks of the US as the "master's voice", and is concerned that MEPs "trot out the US policy on Cuba as though it were their own" (ID 490). MEP Zani (ID 463) wishes for "more imagination and a new and autonomous policy towards Cuba", and MEP Gomes (ID 702) wants the EU do be independent from "the worldview and disastrous policies of the US in respect of the Horn of Africa". MEP Mslzer (ID 727) worries about how the EU would be perceived if it followed US 'orders' and strengthened sanctions against Iran:

The Americans are trying to secure their interests, ruthlessly, and even at the cost of the Europeans who are supposed to be their friends. [...] Were we, as is planned, to impose more stringent sanctions on Iran, we would once more be blindly obeying Washington's orders, and it could not fail to cause us to be perceived, by the Islamic world, even more as its enemies than we already are

Even with a heavy sanctions package in place, Schaake (ID 1149) argues that the US does not "respect the EU's independence". She asks: "Why does the US push European companies to take sanctions beyond those taken by the EU regarding Iran?" In Schaake's estimation, it is especially important in an election year that the EU "acts independently of the United States".

A few speakers go against the multilateralism paradigm and instead advocate independent sanctions in which the EU takes the first step. MEP Gahler (ID 700, also MEP Glenys Kinnock ID 701) thinks that the EU should impose targeted sanctions against the Sudanese regime "unilaterally rather than waiting for the rest of the international community". MEP Gomes (ID 725) agrees that the EU should take the lead on Darfur, finding it "a pity that Europe waits for the United States [...] because the EU should take action independently on this issue." MEP Fjellner (ID 1443) thinks that EU autonomous sanctions against Iran are "a sign of our responsibility and moral stature". If the EU is united, he argues, "we will get others to follow suit". Finally, MEP Tatarella (ID 1081) worries about the "wait-and-see, over-tolerant attitude of the West" towards



Iran, and wants the EU to take the first step and try to convince Russia and China that sanctions, as opposed to “sending in the army” are the way forward.

## Conclusion – Multilateralism and Bringing Power back in

The European Union’s commitment to multilateralism is a defining principle of its external policy. (European Commission, 2003)

The EU has a solid reputation as a proponent of multilateralism (Aggestam & Hill, 2008; Jørgensen, 2006). Any EU foreign policy document would be incomplete without it being mentioned. For instance, the EU’s 2003 Security Strategy (ESS) makes building “an international order based on effective multilateralism” a central objective (Council of the European Union, 2003a, p. 9). The 2008 report on the ESS specifies: “at a global level, Europe must lead a renewal of the multilateral order” (Council of the European Union, 2008a, p. 2). At the same time, this commitment is not easily manoeuvred in the multi-actor foreign policy processes of the EU. Krotz and Maher note (2011, p. 555): “in practice, European governments oscillate between different degrees of unilateralism, bilateralism, and multilateralism in pursuit of national or ‘European’ values and interests”.

The notion of multilateralism is usually understood to signify a preference for genuine cooperation based on common interests and an increase in joint action. As put by Caporaso (1992): “In a Hobbesian war of each against all, we do not say that states behave in a multilateral fashion even though they are interacting in highly interdependent ways.” While not Hobbesian in style, the EU discourse is full of statements that approximate what Martin (1992) calls coercing other actors into cooperating. Whether or not this is compatible with the spirit of multilateralism is an open question. For now, it is enough to conclude that out of the categories of bystanders the EU prioritises regional actors and there is a strong notion of neighbourly responsibility.

This section has moved beyond the conventional focus on sender-target relations, to go on to analyse how the EU considers other actors when it debates sanctions. The study confirms that regardless of how well the measures ‘work’ on the ground, sanctions offer the sender an institutionalised way of creating normative alliances with some actors while expressing distance to others. Sanctions send out messages not only to the target but also to other actors. Thereby, sanctions

communicate who is included in a normative order and who is not (Cortright, 2001). The selective choices of cooperation, coordination, pressure, and even second order sanctioning – turning third parties into targets of sanctions – can consequently be understood as strategies that enable the Union to work to maintain some boundaries and reconstruct others between entities within the international system (see Albert and Brock, 2001, p. 33). The following table closes this section on external autonomy. It lists the most important bystander types and points out the identified dominant mechanism for the EU's relation to that actor.

Table 4.9: Summary of Most Important Bystanders and Mechanisms Used

	<b>Bystander Type</b>	<b>Actors</b>	<b>Mechanism</b>
<i>More important</i>	Regional Actors	SADC, AU, South Africa	<i>Outsourcing of Responsibility</i>
	US, UN	Co-sanctioners	<i>Cooperation/ Competition</i>
	Potential Targets	China, SADC	<i>Coercion</i>
	Observer	Russia, China	<i>Posturing</i>
<i>Less important</i>	Conflict Party	Israel, Palestinian Authorities	<i>Side-taking</i>

<b>Attitude</b>	<b>Characteristic of Relation</b>	<b>Actor (case)</b>
+	<i>Cooperation</i>	<i>UN (general)</i>
	<i>Coordination</i>	<i>US, UN (general)</i>
	<i>Observation</i>	<i>US (North Korea, general)</i>
	<i>Pressure</i>	<i>AU (Zimbabwe), Russia (Belarus)</i>
-	<i>Second-order sanction</i>	<i>China (Burma, Sudan) SADC (Zimbabwe)</i>

These tables illustrate that relations between the EU and other actors, when it comes to sanctions, do not lend themselves to easy dichotomies. Not only processes of distancing and proximity, but also of *power*, are at work in the ways in which the Union speaks of other actors. Seventy-two unique actors are discussed in the studied data, and the EU asks something from most of them. Thus, principled distancing in the sense of avoiding contact is rare, or at least does not show up in the discourse. International cooperation is deemed important not only in order to obtain an abstract 'effectiveness' but also for credibility. Trying to make a third actor do something it otherwise would not do toward a EU sanctions case is common, but examples of genuine partnership are few.

## Internal and External Autonomy

No man is an island, entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were: any man's death diminishes me, because I am involved in mankind, and therefore never send to know for whom the bell tolls; it tolls for thee.

John Donne

The title of this chapter – No Actor is an Island – is a paraphrase of John Donne's famous words, and thereby borrows the notion of the human interconnectedness of individuals and applies it to the sphere of international actors. Though, judging from this study of internal autonomy, the European Union may best be likened to an archipelago that consists of 27 islands of varying size and degrees of commonality. The widespread worries about interest-motivated policies and undisciplined implementation do suggest that: "if a clod be washed away by the sea, Europe is the less". Thus, in the EU's self-understanding, its sanctions policy is only as strong as its weakest link, and unity is a precondition for credibility.

With regard to external autonomy, the archipelago tries to present itself to the rest of the world as one united front. In this global context, the Union is keen to discuss other actors. It takes inspiration from and observes what others do, but it turns out to be particularly inclined to pressure them to follow the European example. Concrete examples of cooperation and coordination are almost entirely non-existent. Possibly, this is because the type of material consulted here does not expose such activities. However, in view of the strong principled support of multilateralism and an overall 'the-more-the-merrier' spirit, it would seem in the actor's interest to emphasise common efforts that are made. If such efforts exist, but are considered unsuitable to communicate openly, it is also a remarkable characteristic of the nature of the game. Thus far, the overall picture is one where different actors – obviously the UN excluded – act as separate islands that are connected by more or less stable bridges.

One possibility is that the relatively elevated number of international actors involved in sanctioning makes actual interaction less likely. Gartzke (2011; see Gartzke & Weisiger, 2012, forthcoming) compares the logic of friendships in international relations with a familiar situation. A driver who gets stuck with a flat tire is more likely

to get helped on a deserted road by the first passerby than in the rush of traffic on a crowded street, he argues. This example may also tell us something about the reluctance to assist fellow actors in a crowded sanctions game.

The two sections of this chapter provide the first steps toward a meaningful contextualisation of the EU as a sender of sanctions. By exposing discursive struggles and contradictions, unrealistic conceptions of unity and autonomy as fundamentals of EU foreign policy have been challenged. Yet, the chapter does not end as dramatically as Donne's poem. Even as the European project shivers at its core, it does not seem that the bell is tolling for the EU's common use of foreign policy sanctions.

## 5. VOLUME AND POLICY LINKAGES

As the introductory chapter states, this thesis seeks to find out how the use of sanctions shapes the EU as an emerging international actor. I have argued that sanctions have certain inherent characteristics that make them an especially pertinent policy tool for the study of external identity formation. The substantial content of these characteristics has been analysed in the previous chapters. In our analysis above of the EU's consideration of bystanders (Chapter 4), we saw that sanctions behave as normative watersheds between units in the international arena. In this chapter, I look more closely still at how far these substantial characteristics go toward influencing our understanding of the EU as an international actor. This is done in two steps, by first evaluating the level of importance or 'volume' of the sanctions policy, and then by mapping out linkages made between sanctions and other policy tools. To study volume is to critically examine the extent of the thesis' findings and the arguments contained therein. How important is the sanctions policy for the EU as an international actor? Answering this question is, substantial characteristics and theoretical presuppositions apart, an acknowledgement that if interest for sanctions is lukewarm, the strength of the normative distance and proximity expressed diminishes. Moreover, by detecting policy linkages we can determine whether sanctions are understood to constrain or enable the EU in its use of the full range of policy tools as an international actor.

### Volume

Restrictive measures against third countries, individuals or entities are an essential foreign policy tool of the EU in pursuing its objectives in accordance with the principles of the Common Foreign and Security Policy. (Council of the European Union, 2011a, p. 3)

The study of volume aims to determine the importance of sanctions for the EU. I take on this task by answering two sub-questions: How does the EU speak of norm violations committed by targets and potential targets of sanctions? How strong are the attitudes of EU representatives towards sanctions?

More typically, the level of importance would be inferred by looking at the salience of the issue area that the measure responds to. For instance, Drezner (2001) equates high politics with security and political sanctions and low politics with cases regarding political economy (also Lynch, 2008, 169). Ang & Peksen<sup>150</sup> (2007) define salience purely in terms of national interests and rank issues. They are placed on a scale that goes from the most salient, i.e. military-security, down to the least salient, i.e. cultural status, with political-diplomatic and economic-development issues falling in the middle.<sup>151</sup>

For the purposes of this study, where the focus is on the EU's self-understanding of sanctions as policy tools, issue areas in and of themselves are not suitable indicators of volume. Instead of relying on broader issue categories I argue that the norm violations (allegedly) committed by the targets and potential targets make up precise and less prejudiced representations of the 'issues' at stake when speaking of sanctions. In contrast, when statements are clustered under conventional issue categories, internal variation and contestation run the risk of being obscured.

As an example, Portela (2010) has already found that EU sanctions mainly concern issues of human rights and democracy. Our study confirms that the sanctions policy discourse revolves around norms such as human rights and democracy, rather than around promoting undisguised EU interests. Thus, we already know that the heaviest issue areas are not present in the EU discourse. We have also seen that few participants propose that sanctions should be imposed, altered, or lifted for the sake of

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<sup>150</sup> U-Jin Ang and Peksen (2007) found that the perceived salience of the issue at stake – both for senders and targets – influences the prospects that a sanctions policy will be 'successful'. For issues that have high salience for the sender and low salience for the target, sanctions are more likely to succeed than the other way around: "The greater the difference (sender perception – target perception) in asymmetric perception of issue salience between the sender and the target, the greater the likelihood of a positive sanctions outcome (success)" (Ang & Peksen, 2007, p. 139). This would be because target change is genuinely important for the sender, and at the same time realistic for the target. That resolve would be strongly correlated to issue salience is intuitive (Ang & Peksen, 2007, p. 138), but it is less certain that resolve always facilitates success, especially if resolve is taken to equal more aggressive sanctions.

<sup>151</sup> Giumelli (2011a) is interested in how the salience of a crisis, broadly speaking, influences which *type* of sanction – constraining, coercive, or signalling – an actor chooses to employ. Since I wish to emphasise the communicative aspect of sanctions as a foreign policy tool, I speak of volume instead of engagement or of salience; but the theoretical difference is negligible. Giumelli (2011a, p. 42-43) uses engagement as an indicator of salience, but we differ in operationalization. This is because our purposes are quite different, his being to capture the importance of a crisis and mine being to capture the importance of sanctions as a foreign policy tool. Giumelli conceives of "military intervention and a large peacekeeping operations" as signifying *high* engagement, "small peacekeeping forces, other types of ground mission or an intense diplomatic activity" as signifying moderate engagement, and the absence of these as representing "no engagement" (p. 43); thus all factors that are exogenous to sanctions regimes.

European or national interests. Instead, interests are attributed to opponents. Political rivals are accused of being motivated by interests; as are individual EU Member States, but speakers rarely make reference to interests when justifying their own positions. However, while normative claims dominate the discourse on sanctions, as we have seen in chapter 3, interpretations of the contents of norms vary. For instance, MEP Paleckis (ID 599) states that “[v]arious interpretations of the concept of ‘human rights’ prevent the European Union from taking appropriate actions when there are gross violations”.

Does the absence of traditionally considered salient issue categories and the dearth of interest-based rhetoric mean that EU sanctions policy is low ‘volume’? I believe the answer to this question is negative. The utility of coupling issue areas to different levels of volume is doubtful, since issues often overlap when it comes to sanctions. This makes it difficult to presume that different issue categories are *per se* more or less important. Even the harshest trade embargoes are symbolic in the sense that, apart from the material impact, they signal the sender’s disapproval. Thus, treating signalling or symbolic sanctions as a distinct category or *type* of sanctions (Giumelli, 2011a, Lindsay, 1986) is problematic.

My working definition of volume is “the degree of importance or value attached to that issue” (Ang & Peksen, 2007, p. 137). In consequence, my scepticism concerning broad issue categories as indicators of volume does *not* imply scepticism about the role of issues in foreign policy. On the contrary, and is evident from previous chapters, I embrace a view of foreign policy for which this last revolves around issues and is defined as “a disputed point or question, the subject of a conflict or controversy” (Randle 1987, p. 1, in Ang & Peksen, 2007, p. 137)”. For the specific purposes of this chapter, there are two applications of this definition: norm violations as the disputed points between sender and target – the ‘issue at stake’ for the sanction; and the policy tool of sanctions as the disputed point, the debated issue in EU foreign policy discourse.

Thus, in the following section, I will begin by analysing the “degree of importance or value attached” to norm violations. This is done by investigating the range and level of gravity of norm violations discussed in debates on sanctions. The broader the range and the worse the crimes, as articulated by the debate participants, the higher I will consider the volume to be. In the second part of this section, I will look at the “degree of importance or value attached” to sanctions as a policy tool. In this part, I analyse the strength that attitudes towards sanctions have, and concentrate on the share of debate

participants that expresses very positive or very negative views on sanctions. The study shows that not only the substance, but also the volume of EU sanctions varies considerably between cases. It is already telling that five targets stand for almost half of the studied statements, and 56 potential targets or combinations of targets are only mentioned once. In a third part of this section I discuss how strength of attitude relates to different logics of action. The section is concluded by reflecting on what this variance in volume represents for the EU as an international actor.

### **Volume I: Norm Violations and Moving Limits of Toleration**

From direct assassinations and mass rape of protesters in Guinea-Conakry; to massacres in the Uzbek province of Andijan; capital punishment against children and the stoning of women in Iran; journalists imprisoned in Eritrea and held captive in Palestine; war in Georgia; organ trade in China; election fraud in Belarus; forced labour in Burma; brutal land reform in Zimbabwe; African warlords committing fraud to be elected to the presidential office; Bulgarian nurses imprisoned in Libya; British soldiers taken captive in Iran; extrajudicial killings in the Philippines; violations of international law in Israel; murder of trade unionists in Colombia; brutal crack-down on protesters during the 'Arab Spring'; torture of prisoners in Abu Ghraib and Guantanamo; genital mutilation in Nigeria, studying sanctions gives a sinister picture of the state of the world and of the evils that human beings are capable of carrying out upon each other. These are only some of the many examples of norm violations mentioned, for which sanctions have been called for but have not always come to pass. The chronicle of international politics 1999-2012 read through debates on sanctions is not a cheerful read.

If I am right that sanctions signal how an actor draws its limits of toleration, the norm violations provide substantial nodes along which this line is drawn. The range of norm violations already referred to above, together with the fact that these are not petty crimes, points to the importance of sanctions as foreign policy tools. This may at first seem tautological, since any sanction will respond to an alleged norm violation; however, my claim is different. As noted by Nossal (1989, p. 306-307): "There is, of course, little agreement on what constitutes a "morally objectionable" act in interstate relations." Just as domestic judiciaries differ greatly in terms of what behaviours are illicit and ought to be penalized, different international actors have different standards upon which they base their imposition of sanctions. In other words, actors react to different norm violations. Hence, that Turkey imposes sanctions against France for



having prohibited denial of the Armenian genocide, that Russia imposes sanctions against Polish meat, and that the US has placed the Italian Camorra under financial sanctions are all examples of different takes on norm violations. Therefore, the fact that EU sanctions are discussed for everything from genocide to failure to complete a popular census<sup>152</sup> is an indicator of the instrument's perceived importance. If sanctions were not understood to be important, other policy reactions would be contemplated for these norm violations. Instead, the study of EU sanctions from 1999-2012 suggests that for just about any international crisis, someone will call for sanctions or at least raise the prospect of threatening to impose sanctions.

In sum, it seems that the use of sanctions against heavy norm violations sets a precedent that signals the importance of the policy tool itself. This, in turn, makes it attractive to speak of sanctions for a wide variety of wrongdoings: it signals importance even for situations in which sanctions will never be imposed. As long as this remains on the discursive level, the mutual enforcement of importance can continue. However, if the range of norm violations that actually lead to the imposition of sanctions were to be inflated, the connotation of importance might eventually be undermined. If an actor uses sanctions to make statements about itself, a considerably expanded basis for the use of sanctions runs the risk of transmitting a diluted or contradictory normative message (see chapter 3 on double standards).

Thus, the content of the pool of norm violations referred to when discussing sanctions is not static, but shadows events and trends in real-world international politics. The EU's use of sanctions is already multifaceted in character and purpose, yet some would like to see it expanded to include other norm violations. Such proposals include the adoption of sanctions against countries that fail to take 'sufficient' measures to hinder migration to Europe (see EP debates 2002-07-02 and 2002-07-04). Moreover, the 2008 EP sanctions report seriously discussed expanding the basis for sanctioning to include environmental grounds. The argument was based on the idea that "any voluntary and irreversible degradation of the environment constitutes a threat to security and a serious violation of human rights" (European Parliament, 2008, p. 9). This stance is shared with MEP Higgins (ID 915), who is "very glad that we wish to recognise

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<sup>152</sup> MEP Karatzaferis (ID 551) threatens sanctions against Albania if they fail to map out the number of people belonging to minorities that live in Albania: "Has Albania carried out this census? If not, what sanctions can be imposed on that country which receives funding from the EU budget?"

the conscious infliction of damage to the environment as a violation of human rights”, with MEP Rogalski (ID 947), who finds that a “[r]ecourse to sanctions may also be justified in cases of irreversible environmental damage to the natural environment when this becomes a threat to security and thus a serious infringement of human rights”, and with MEP Cappato (ID 896) who wants the idea to “be given serious consideration”. Even the President-in-Office of the Council, Jean-Pierre Jouyet, does not close the door to the inclusion in the CFSP of “damage to the environment where it constitutes a threat either to international security or to the rights of people, to human rights”. The proposal to impose CFSP sanctions against environmental crimes alludes to the ‘securitization’ of environmental issues (Brock, 1997). This illustrates anew that conventional issue categories may be less steady than at first believed and therefore not optimal for indicating levels of importance. This thesis does not take a stand on whether it is politically appropriate or not to impose foreign policy sanctions against environmental crimes. Suffice it to say, the expansion of the type of wrongdoings that may be included into sanctionable categories testifies to the strong normative connotation that the policy tool has. A range of incentive-based structures already exist that deal with environmental crimes. The specific call for *sanctions* within the foreign policy framework is therefore of note and shows that this instrument signals a particular degree of importance. In other words, proposing CFSP sanctions against environmental crimes suggests that there is a desire to make use of the institutional properties of this particular instrument.

How norm violations are embedded linguistically is further testimony of the importance of sanctions. Van den Bos (ID 339) declares that “[e]verything that God has forbidden goes on in Burma” and MEP Sjostedt (ID 524) wants a tougher sanctions policy since “[t]he lights are going out in Belarus”. Some creative name-calling also reveals strong levels of disapproval of targets’ wrongdoings. MEP Paleckis (ID 980) calls Belarus the “odd sick man of Europe”, and Venezuela and Zimbabwe are labelled “maverick regimes” (ID 644, also ID 1172 on Belarus). During Mugabe’s rule, Zimbabwe has turned from “the breadbasket to the begging bowl of southern Africa” (ID 1133) where “resources [are] enslaved” (ID 554): it is “the great shame on the face of Africa” (ID 844). Cuba is called “a source of infection for Latin America” (ID 489), a “museum of Stalinism” (ID 590), and a “bastion of repression” (ID 593). MEP Allister (ID 593) finds it “just as absurd” to visit Cuba as a tourist as going “on holiday to Auschwitz or to a

gulag". In contrast, MEP Obiols i Germà (ID 589) believes that sanctions have led Cuba into "a blind alley". Moreover, Gaza is "a prison without hope" (ID 683) and the EU's approach – "all we do is to keep talking" – has been likened to "acting as Pontius Pilate" (ID 684). The Sudanese government plays a "cat-and-mouse game", "a very cruel game that is paid for each day in hundreds of human lives" (ID 652), whereas the Iranian government is "playing the hedgehog to our hare and it seems less and less likely that it is doing this only to secure its own peaceful use of nuclear energy" (ID 661).

Moreover, it is not uncommon for targets to be accused of multiple norm violations. Iran, for instance, is criticised not only for its nuclear program but also for different types of human rights violations and for its hostile position against Israel. MEP Danjean (ID 1073) considers it a "total mistake to make a very artificial distinction between the hardening of the regime internally and the inflexible policy that it pursues externally, in particular, on the Iranian nuclear issue". He has pushed for the EU to impose additional sanctions that are able to make a "clear link" between the nuclear issue and internal human rights violation. In contrast, MEP Koppa (ID 1022) believes that linking democracy and human rights to the nuclear program "is misleading" and would "send out the wrong message".<sup>153</sup>

We might expect proponents of sanctions to speak in harsher terms of the target's norm violation than those who argue against sanctions or in favour of lifting them. The analysis confirms that almost all proponents of sanctions justify their position with how horrible the norm violation is. However, sanctions sceptics are often equally horrified; they only draw different conclusions about the appropriate policy reaction. This is an important correction to the view that opposition to sanctions expresses indifference or even support of despicable regimes and their acts. It is logically and practically possible to be against the use of sanctions as a foreign policy tool and at the same time be dismayed with the wrongdoings of the potential target. Take MEP Salotto (ID 1074), who for instance raises the topic of capital punishment against children in Iran and is clearly upset about this practice. Still, he maintains that "assistance, support and debate" with the opposition is "what the European Union should be doing, rather than imposing sanctions". Similarly, MEP Krupa speaks of the "iron grip" of the military

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<sup>153</sup> Only in 2011 the Council agreed on a package of sanctions that was directed specifically at human rights violations in Iran (Council of the European Union, 2011d). The nuclear sanctions remain formally separate from this new sanctions package.

regime over Burma and lists a range of human rights violations that have been committed. Yet, she is critical of the option of imposing sanctions, since these last “do not have an impact on the economic structures of the regimes and the embargoes applied hit ordinary people who are already persecuted and living in extreme poverty.” This suggests that – from the point of view of how norm violations are understood – sanctions are considered to be important for both proponents and sceptics.

To conclude, norm violations mentioned in the discourse on sanctions are numerous, spread over many issue areas, and are usually talked about in highly condemning terms. This, together with attempts to expand the employment of sanctions to new issue areas, indicates that a considerable level of importance is attached to the policy tool.

## **Volume II: Strength of Attitude on the Issue of Sanctions**

Mr Lukashenko and the Belarussian authorities pay no heed to the European Union’s position. The reason for this may be that our demands for the protection of human rights and democracy in Belarus have to date been voiced in a mere whisper. It is not a whisper that is needed, however. We need to make ourselves heard in a loud and firm voice, maybe even shout sometimes.

MEP Czarnecki, ID 454

The study reveals that waves of debate run high in EU discourse. Most of the discussions take shape as a dialectic exchange of opinions on the pros and cons of sanctions. The speaker quoted above is in favour of sanctions, but the critical voices are also equally engaged in the topic. Parliamentarians of different ideologies and nationalities express that their hearts truly go out to specific cases. While the volume of arguments is high overall, it varies a lot from speaker to speaker. This section is devoted to trying to understand some of this variation.

First, almost all of the speakers express an attitude toward sanctions. Only 2.7% of the statements have been coded as lacking values with regard to attitude. These are instances where sanctions are very quickly touched upon without any value mentioned. The 4.6% of neutral statements do not express a value judgment on sanctions, but rather a neutral position towards sanctions. The difference is that in the case of neutral statements, sanctions are discussed at sufficient length to articulate a neutral – as opposed to a simply absent – stance. Together, less than a tenth of the statements do

not articulate a value-based judgment on sanctions. Some of them probably have an opinion on sanctions that does not shine through in the specific studied statement, meaning that 7.3% is most likely an overestimation of ‘attitude-less’ representatives amongst the debate participants. On the other hand, those that actually participate in debates on sanctions probably have stronger attitudes on the topic than the absent EU politicians. In any case, a good 92% of all gathered statements clearly express value judgments on sanctions. That the overwhelming share of speakers has an attitude on sanctions signals that the foreign policy tool has a certain salience.

Moreover, 13.4% of all statements (corrected for missing values), or 14.1% of all statements expressing value, are ambiguous with regard to their attitude. This means that they weigh positive and negative aspects against each other in an open-ended fashion. The relatively high share of ambiguous statements shows that a non-negligible number of speakers are torn between interpretations. I argue that such an internal contestation indicates that salience has been attributed to the issue of sanctions, since indifference is inherently incompatible with ambiguity. However, that people have opinions tells us only that they do not deem sanctions to be completely insignificant. Attitudes towards sanctions were coded on a Likert scale, where the strongly positive and strongly negative are the extreme values. Around a fourth of all statements – roughly 30% of all statements that express value – were coded as “strongly positive” or “strongly negative”. More than twice as many statements were coded under the category of strongly positive than under the category of strongly negative. However, the average negative opinion is slightly stronger than the average positive opinion. 37.2% of the statements in the two negative categories are strongly negative whereas only 28.3% of statements in the two positive groups are strongly positive.

Table 5.1: Attitudes to Sanctions

	N	%	% accu		N	%	% accu
Strongly Positive	266	20.35	20.35		266	17.14	17.14
Positive	674	51.57	71.92		674	43.43	60.57
Neutral	71	5.43	77.35		71	4.57	65.14
Negative	186	14.23	91.58		186	11.98	77.12
Strongly negative	110	8.42	100.00		110	7.09	84.21
				Ambiguous	203	13.08	97.29
				Missing	42	2.71	100.00
N=	1307				1552		

Coding the extreme positions has been made restrictively, requiring that statements use strong verbs, superlatives in adjectives, or saturated metaphors. This was important in order to avoid inflation in the attribution of extreme values as coding progressed. The following quotes are examples of statements that have been coded as strongly negative and strongly positive. The emphasised words were decisive for coding them in the *strongly* negative or positive categories:

Mr President, under the pretext of human rights, the report under discussion proposes the most effective use of the *unacceptable* and *inhuman weapon* of sanctions and embargoes to impose the EU's policies by *extortion* and pressure on countries, peoples and governments that stand up to *capitalist barbarity*. The cleverly targeted sanctions being proposed, in combination with the financing of nongovernmental organisations as EU mercenaries, constitute the most *shameless open intervention* in countries' internal affairs. This *violates even the basic principles* of what remains of international law.

MEP Pafilis, ID 911 (strongly negative)

Mr President, on weapons of mass destruction, one should remember how politicians and *media liars* queued up to demand action against Iraq over WMDs. That *propaganda lie* justified sanctions and an illegal war. MEPs who voted for sanctions against Iraq over those non-existent WMDs might have meant well, but they helped to *murder* hundreds of thousands of Iraqi children, who died through lack of food and medicine. Now it is nuclear weapons of mass destruction. It is a new target, Iran, but the main *victims* will be the same – *children* – because a successful oil and banking embargo would make it impossible for Iran to buy enough food and medicine for its population.

If the EU votes for sanctions it exposes itself as *bankrupt* – not merely financially, but morally too.

Griffin, ID 1439 (strongly negative)

If no progress has been made by this time, if the dialogue has failed, if we say this is a useless procedure, then at this point it is *essential* that we adopt so-called smart sanctions. We should restrict visas to all Mugabe's associates and his government and identify those individuals with foreign bank accounts and freeze their assets. Those are *smart sanctions* that will not hurt the poor people of Zimbabwe but would *certainly* hurt those Zimbabweans who very much like coming to London to shop in Harrods or visit their children who are in British public schools. Those are the kind of *important* things that the European Union can do.

MEP Glenys Kinnock, ID 195 (strongly positive)

I think the European Union has done *the right thing* in imposing sanctions on Iran. These sanctions are justified and we are acting here in *a good cause*. I am *very pleased* that the European Union has taken such action.

MEP Kamiński ID 1469 (strongly positive)

As aforementioned, harsh judgement of the norm violation that could lead to sanctions does not necessarily result in a positive attitude toward sanctions. We can see that those who propose a *change* in the EU stance debate more loudly than those who *defend* the status quo. In line with this, Members of Parliament express stronger opinions than representatives from the Council and Commission.

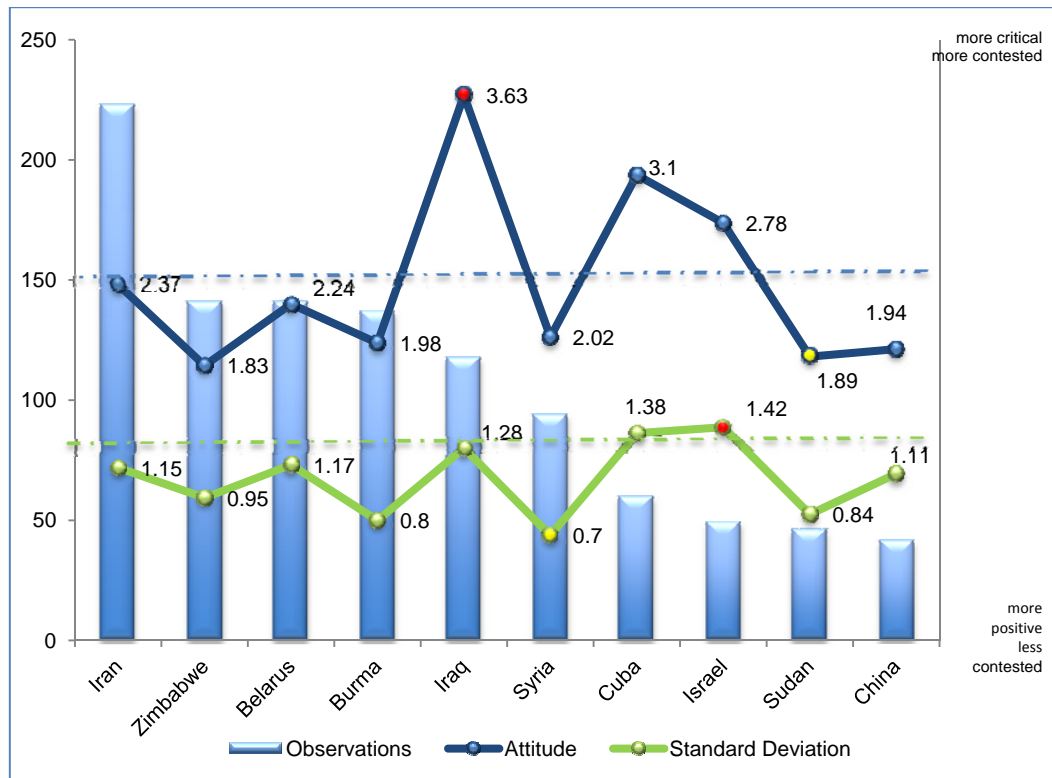
Mirroring the extensive pool of norm violations that it is deemed relevant to respond to with sanctions, many different potential targets are mentioned in the data. A total of 125 combinations of targets or potential targets are present, including 76 individual countries (some recur in different combinations). There are also some, more abstract target categories that are discursively identified only through the norm violation.<sup>154</sup> The attention given to sanctions varies a lot between cases. The ten most

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<sup>154</sup> These include: counterterrorism sanctions, sanctions against countries with problems with violence against women, countries that have broken nuclear proliferation agreements, sanctions against the 'Middle East', sanctions against 'Africa', sanctions against countries with industries that harm the environment, sanctions against countries with the death penalty, sanctions against Muslim countries, sanctions against rogue states, and sanctions against child labour.

discussed cases together account for almost 70% of all statements. Moreover, while some cases come only briefly into the spotlight, others remain on the agenda throughout the period studied. The following figure (5.1) depicts the ten most frequently mentioned targets in the studied EU debates. It also displays the attitudes and variance in attitudes for each of the ten targets. The dashed lines represent the average attitude (2.39) and standard deviation (1.20) for the full group of statements.

Figure 5.1: Attitudes on Top Ten EU Sanctions Cases



The information in the figure is cause for reflection. The average attitude regarding the top ten cases together almost exactly matches the average attitude of the entire population of statements (2.38 for the top ten, 2.39 for all). However, the standard deviation – the average distance from the mean attitude – is slightly higher for the data as a whole (1.20) than for our subset (1.08). This difference implies that the attitudes are more spread out for the average of all cases than for the most commonly discussed targets. In our top-ten subset, the most negative average attitudes are voiced with regard to sanctions against Iraq. This case dominated the debate during the first years of the studied period, and few observers maintained a positive attitude toward the sanctions when faced with overwhelming evidence of the humanitarian suffering caused by the sanctions. In September 1999, when our timeframe starts, the criticism of



the sanctions had gone so far that UN staff actually left their jobs in protest against the sanctions. It is likely that attitudes toward sanctions on Iraq were milder when they were first imposed.

That statements on Israel and Cuba have the second and third most negative average attitudes and are the most internally contested corresponds well with what I have argued about before especially with regard to politicised potential targets of sanctions. “In addition, for Cuba, there is a definitional debate about whether the restrictive measures that have been adopted are sanctions or not.” For Israel, it should be noted that the statements revolve around threats of adopting sanctions that were never carried through.

All in all, the table gives an indication of the complexity of the EU’s approach to sanctions. The amount and type of attention vary largely between cases, even amongst the top ten most discussed targets.

### **Volume and Logics of Action**

When volume was first presented in chapter 2, I posited that “the more important the expressiveness of the sanction is for fulfilling the purpose, the higher we would expect the volume to be”, since sender-oriented sanctions will have “an in-built incentive to speak the message as loudly as possible”. In other words, since expressiveness is an important feature of sender-oriented (“creating the self”) sanctions, they need to be communicated with a certain volume. I also reasoned that volume might be a more sensitive matter for measures that are truly focused on inducing target change. The frequent use of ‘silent diplomacy’ when it comes to hostage situations, piracy or imprisonment of journalists, point in this direction. In such cases, where the release of one’s own citizens would be the absolute priority of any national diplomatic force, a policy of open naming and shaming through sanctions can be considered to be too risky. Finally, I also hypothesised that the output volume would likely be the lowest for mechanical sanctions, which are not characterised by the presence of political reasoning of the risks and advantages to imposing sanctions.

EP sanctions debates allow for a tentative investigation of these propositions.<sup>155</sup> Indeed, it turns out that 37% of those who speak of the symbolic properties of sanctions

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<sup>155</sup> This section is based on a subset of the data, September 1999 – July 2010, total n=1136.

and their impact on the sender have a strong attitude toward sanctions. For those who discuss the effects sanctions have on targets – negative, positive, or no effects at all – 27% have a strong attitude toward sanctions. Finally, only 18% of those who use language that suggest a mechanical use of sanctions – references to legal provisions or implementation – are very positive or very negative toward sanctions. These numbers provide for a first estimate that signalling or symbolic sanctions may actually be louder than those that are strictly directed towards obtaining effects on the target or those motivated by legal concerns. The following table (5.2) presents the shares of strongly positive and strongly negative attitudes as they are divided by the three logics of action.

Table 5.2 Attitudes and Self- or Targetoriented Effects

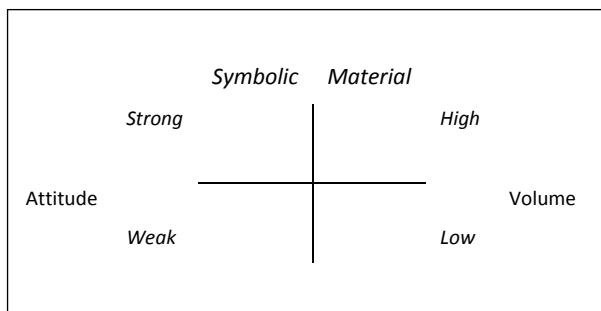
	<b>Effects on Sender (credibility, symbols, duty, doing something)</b> 37 % strongly positive or strongly negative opinions on sanctions		
	<b>Effects on Targets (target change, force, bite, promote)</b> 27 % strongly positive or strongly negative opinions on sanctions		
Self-Oriented	<i>If</i> <b>Negative Identity Effects</b>	<i>If</i> <b>Positive Identity Effects</b>	<i>If</i> <b>Identity effects are not mentioned</b>
	34.4 % Strongly negative attitude	41.5 % Strongly positive attitude	25 % Strongly positive or strongly negative
Target-oriented	<i>If</i> <b>Negative Effects on Target</b>	<i>If</i> <b>Positive effects on Target</b>	<i>If</i> <b>Effects on target not mentioned</b>
	20.8 % Strongly negative attitude (9% strongly positive attitude)	35.3 % Strongly positive attitude	23 % Strongly positive and strongly negative attitude
Reflexive	<i>If</i> <b>Law, institutions, implementation</b>	<i>If</i> <b>All categories</b>	
	18% are strongly positive or strongly negative to sanctions.	25 % are strongly positive or strongly negative to sanctions.	

Issue-focused studies on sanctions have tended to qualify ‘symbolic’ sanctions as measures that the sender takes more lightly. Ang and Peksen (2007) dismiss a ‘symbolic’ use of sanctions as a case where salience – I use the term volume – is low, and Giumelli (2011a, p. 45) argues that “if salience is low, then senders are more likely to impose sanctions that do not imply high costs to bear, namely signalling measures”.

This section has shown that it is mistaken to equate symbolic, or signalling, sanctions with low volume. First, pure indifference does not lead to the adoption of sanctions, and actors would not even use sanctions for the sake of ‘doing something’ if the underlying issue is not thought to be of some importance. In addition, in the EU’s case, the use of symbolism for identity formation purposes can be understood to correspond to the fundamental interest of ensuring survival (see. p. 67).

Instead of following predefined conceptions that rule out the possibility of loud symbolic sanctions, I have argued in favour of an approach where volume is empirically investigated to consider both symbolic and material characteristics. The following figure (5.3) serves as an illustration:

Figure 5.3 New Distinctions



Rather than predefining symbolic sanctions as sanctions with low volume, I make a distinction between symbolic and material gains on issues that may have either high or low importance. Thus, all four spaces in the matrix are logically possible. This section has also presented evidence that a very high volume can be combined with reasoning over material (target policy change, EU economic/security interests) or ‘symbolic’ (credibility, doing something) policy goals alike. Actually, statements that stress the consequences for the sender/the self are more frequently strongly positive or strongly negative toward sanctions than target-oriented statements. Therefore it seems appropriate to conclude this section with a statement on the arms embargo against China, which efficiently corroborates the idea that identity formation is not second-order politics:

This is not an issue of secondary importance. It is bound up with the very credibility of the European Union. It is bound up with the principles and values on

which we want to build a common vision for a European Union of peace, security, stability and development for the developing nations of the developing world.  
MEP MEP Beglitis (ID 694)

## Conclusion Volume

In this section I have analysed the volume of the EU's sanctions policy by investigating positions on the issues underpinning sanctions – the norm violations – and on the issue of sanctions itself. The study reveals that a broad range of norm violations of varying character are evoked when discussing sanctions. Moreover, the campaign for introducing environmental measures as *security* sanctions demonstrates that the usual issue areas do not capture the fluidity and conscious reformulation of issue belonging.

The analysis of volume is imperative in order to check that the previous chapters do not make disproportionate claims about a policy tool that in the end could turn out to be unimportant. The indicators used in this section suggest that this is not the case. A decibel meter would however display varying levels of volume for different parts of the EU's sanctions policy. This brings me to the second lesson learned from the section. I have emphasised that the role of sanctions for an international actor depends not only on the volume and substance of the sender's communication, but also on how the communication is received by other actors: targets and bystanders alike. In this respect, the variation in expressed volume between cases and the expansion of norm violations to include new fields are noteworthy aspects that likely influence the perceptions of other actors. Moreover, these patterns are signs that the Union might be approaching normative overload in its sanctions discourse.

It would be too easy to explain the variance in volume as a result of the conventional case of troublesome disunity. My tentative conclusion is rather that the Union is still very much in search of the appropriate range of its normative commitments; in other words, its limits of toleration are still under negotiation. It is genuinely concerned about doing right, but remains ambivalent with regard to the scope and concrete goals of its actions. A clear expression of this is the share of self-centred statements that considerably raise the volume when speaking about credibility, punishment, or the need to do something.

## Policy Linkages

Dealing with non-democratic countries, we always face the dilemma of how to approach them. Isolate and sanction, or engage and give incentives? It is not easy to diagnose and choose the best medicine [...]

MEP Vigenin (ID 1116)

I have argued that sanctions have certain inherent characteristics that make them especially pertinent indicators of external identity. However, in order to determine the impact that sanctions have on the EU's overall external identity it is not enough to study the identity of the EU as a sender of sanctions only. Instead, mapping out linkages made between sanctions and other policy expressions is crucial for determining how sanctions shape the EU as an international actor. Ever since Baldwin's (1985) path-breaking study of economic statecraft, it has been commonplace for scholars to point out the need to avoid studying sanctions in isolation and, instead, to study how they fit into a wider political context. When policy makers decide to impose sanctions they choose this particular instrument among a range of options, Baldwin argued (see Rose, 2005, p. 472). Hence, even if sanctions are not able to actually correct the target's misbehaviour, they may be the best response at that moment in time. This line of reasoning corresponds well with the overwhelming evidence that sanctions are used as a means of 'doing something', as a cure for powerlessness.

While it has become commonplace to situate sanctions in the wider foreign policy context, this is often done by comparing policy options as though they were mutually exclusive (Verdier & Woo, 2011; Haass & O'Sullivan, 2000). This fails to address the antecedent empirical question of how measures are clustered in different packages of policy alternatives, where certain policies are considered mutually enforcing and others are judged to be internally incompatible with each other. This is particularly important since the EU has committed itself to a two-track approach in cases such as Iran and Cuba, but also in its European Neighbourhood Policy (see ID 585). Do two tracks represent the best of two worlds? What happens when the tracks collide?

In this section, I will address these questions by qualitatively analysing how the use of negative measures impacts the actor's self-defined ability to use other measures. This is done in two steps. First, I consider how the Union prioritises between values and

interests or between different values when sanctions are being discussed. Second, I move on to investigate patterns of complementarity and conflict between sanctions and different positive measures, especially dialogue; but I also touch upon the discursive relationship that exists between the use of force and sanctions. This aims to detect what is understood to be the impact of sanctions on the EU's freedom of action in external relations.

Sanctions may put restrictions not only on the actions of targets but also on the sender itself, by regulating the behaviour of European companies for instance. Constraints on the sender are, however, usually phrased in a minimalistic way in official documents. Therefore, I am interested in policy consequences that are *derived* from the existence of sanctions as opposed to being a part of the sanction itself. What types of measures are legitimized or ruled out with reference to sanctions? This is a basic test of whether EU inter-institutional discourse subscribes or not to the complementarity principle that is supposed to guide the sanctions policy. Formulations of the type "because of sanctions we cannot/should not do Y" are considered to be a negative policy linkage whereas declarations claiming that "we can/should do this because of sanctions" are considered to be a positive policy linkage.

### **Policy Options and Complementarity**

Sanctions, if used, should form part of a global concept for foreign policy, in other words, they should not be used in isolation, just on their own, without regard to the other instruments of foreign policy and without cooperation with the other players in the international system. Sanctions should also be accompanied by positive measures and stimuli to support human rights and to support civil society and democracy. Finally, sanctions should not be linked to humanitarian aid.

MEP Roucek, ID 903

Judging from the quote above by Roucek, sanctions can and should co-reside with a range of other foreign policy options, including positive measures. Indeed, in the Basic Principles the Council commits to "using sanctions as part of an integrated, comprehensive policy approach which should include political dialogue, incentives, conditionality and could even involve, as a last resort, the use of coercive measures in accordance with the UN Charter" (Council of the European Union, 2004a, p. 2; also Joyet, ID 891). Moreover, the 2008 European Parliament report states that sanctions

“cannot be effective” unless used in combination with other foreign policy tools (European Parliament 2008, p. 20, see also p. 11). Indeed, the overall mantra for proponents of sanctions in the EU discourse reads: 'consistency, complementarity, efficiency'. In this section, we focus on the second in the list: complementarity.

MEP Vigenin’s question, quoted in the introduction to this section, of how to best handle the dilemmas of international politics stands in contrast to an insistence of complementarity, for which sanctions ought to be complemented by other policy tools. Dilemmas are by definition contested, and the complementarity paradigm does not give a reply to this uncertainty. In addition, a defining trait of sanctions would be lost if business could go on as usual. Moreover, in its opinion to the EP report, the Committee on Development states that sanctions should be used only after “all other measures have failed” and “all other less coercive means of exerting influence have proven ineffective” (European Parliament, 2008, p.21). Strictly speaking, the argument about sanctions as a last resort implies that complementarity is not guaranteed throughout the policy process, insofar as sanctions will not be imposed until and only when these other instruments have failed. Moreover, Commissioner Ferrero-Waldner’s speech about “identify[ing] from among all the possible instruments, those that will naturally be most effective” also signals awareness that all instruments are not always mutually enforcing (ID 892). Instead, the Commissioner makes a “comparative evaluation of policy alternatives” (Baldwin, 2000a, p. 83), which necessarily involves judgments of better and worse options.

In sum, although the complementarity of the sanctions policy with other parts of the external relations framework is a cornerstone in EU discourse on sanctions, there are reasons to believe that actual policy choices involve trade-offs between the alternatives. The next section shows how this plays out by balancing interests and values.

## Balancing Interests and Values

In the European Union we say that human rights should come before any custom or social philosophy. However, when we are talking about international relations [...] there is often a clash between two world views.

MEP Zrihen, ID 396.

Human rights are mentioned a total of 1431 times for the studied 1552 statements. In this section, we will see that human rights are surprisingly often presented as one concern among others, or human rights concerns are balanced against other values or interests. This is worth mentioning considering the Union's insistence that human rights are universal and non-negotiable (see ID 520). Statements of the first type come from Nicolai from the Dutch presidency, who ensures that it is "well aware of the various concerns expressed by parliaments, the public, NGOs and also by important partners like the US and Japan. One such concern is the human rights situation in China" (ID 470). Pearson, UK Foreign Minister and Council representative as of November 2005, regards human rights as "an important feature" of EU relations with Cambodia, Laos and Vietnam (ID 582), and the Commission (ID 595) wants to "build up awareness and the consensus throughout the European Union on the importance of human rights issues relative to other priorities."

Other statements actually engage in *weighing* between interest and values, or between different values, in their argumentation. Commissioner Patten's (ID 471) wishes to place the EU's arms embargo against China in context, and thereby evaluates strategic interests against political symbolism.<sup>156</sup>

[W]e have an obvious interest in the overall development of our relations with China, which by and large are excellent, and the arms embargo naturally operates in that context. [...] I am very keen to move forward with our important strategic partnership with China, a country that is rapidly emerging as a global player across the board, and is now, amongst other things, our second largest trading partner. That is one of our top foreign policy goals in the years to come. [...] That said, given the underlying logic of the embargo and the significant political and symbolic issues involved for both sides, it is understandable that some Member States argue that the lifting of the ban should take place against a background of positive and tangible steps by China to improve its human rights situation.

Similarly, Commissioner Ferrero-Waldner (ID 892) considers that sanctions "are economic as much as political", which according to her implies that the Union must consider the overall relationship with the targeted country, including "the international activities of our economic operators", before opting in favour of sanctions. MEP Eurlings

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<sup>156</sup> Patten's statement matches well with Gegout's claim that "all the policy outcomes of the EU on China's human rights record can be explained in terms of intergovernmentalist theory: big states were the main actors, they did not act in the European spirit of solidarity and they favoured their economic interests" (2010, pp. 81-82).



(ID 643) focuses on the *impression* given and the need to “strike the right balance” so that it does not seem that “human rights are temporarily secondary to economic interests or gas interests”. MEP Tannock (ID 644) weighs the economic interests – “China is the EU’s second-largest trading partner” and therefore “cannot be ignored” – against human rights – “it remains a one-party communist dictatorship, sharing little in the way of common values with the EU” and their “common interest” in fighting “international Islamist terrorism, as China has problems with its own Uighur Muslim minorities.” Other variants include observing how “the suffering of the people must be our main concern, not our distaste for the democratic standards of the regime itself” (ID 691, on Burma), which call for a debate on “the balance between security and civic freedoms” (ID 509), or see the insistence on “respect for human rights and democratic freedoms” as being in friction with “an effective policy” (ID 964). A final example comes from MEP Mollar (ID 330) who is upset that “safeguarding the rights and freedoms of terrorists” is given more attention than “remembering the harm, the suffering and the despair that these people inflict on their victims” when it comes to counterterrorism sanctions.

While the speakers behind these statements themselves weigh between values and interests (or between different values), others criticise the influence that EU interests have on the sanctions policy. Not only the selection of cases (ch. 3), but also the ineffectiveness of already existing measures and proposals to lift measures are blamed on EU interests taking priority (see ID 930). Sanctions on Belarus are considered to be weak since the EU’s own interests, in particular with regard to energy supplies, dominate over “taking a clear stand” (against Russia, ID 624) and have “hijack[ed] the ideals on which the EU is based (ID 618; see also ID 790 on Uzbekistan). Attempts to lift the arms embargo against China are seen as being driven by economic interests, and as the triumph of *realpolitik* over people, human rights, and respect for democracy (ID 510; 467; 648; 476). Finally, according to MEP Van den Bos (ID 339; see also MEP Berman, ID 847) the business interests of shareholders of European companies are more important than the “Burmese blood” that has been shed and these hinder the development of a consistent human rights policy.

An interest-based policy has been dismissed as being negative for the EU as an international actor. MEP Kristovskis (ID 905) argues that “the CFSP’s toothlessness is proof of the fact that the EU is led by business interests’, and MEP Gàl (ID 907) warns of

difficulties in “preserving the credibility of the Union “, when consistency is “often a victim of daily political interests”. Another example that connects interests and identity is of the Bulgarian and Palestinian nurses that were imprisoned in Libya accused of having intentionally infected over 400 children with HIV<sup>157</sup>. MEP Foltyn-Kubicka (ID 695) wants sanctions to be imposed against Libya, and justifies this as follows:

Economic interests can never take precedence over respect for human rights. Such is the essence of the European spirit and our historical legacy.

### **Use of Force and Sanctions**

The classical policy linkage for sanctions is its relation to the use of force. Sanctions received the status as legitimate coercion on the basis of being an alternative to war under the assumption that it allowed foreign policy goals to be reached while at the same time saving lives. Throughout the years, however, opinions on this connection have split. Lindsay (1986, p. 169-170) declares with certainty that “[s]anctions certainly have not proven to be substitutes for the use of force”. In another study, Lektzian & Sprecher find that “sanctions tend to increase the probability of militarized conflict, particularly when used by democratic countries,” (Lektzian & Sprecher 2007, p.415). From a military strategy perspective, sanctions are conventionally considered to be important complementary measures to increase the leverage of force (Rose, 2005, pp. 469-470). Clawson (1993, p. 37) labels sanctions that are not assisted by force as “morally dubious”, since it will only cause death and suffering while it is not likely to change things for the better. This judgment is based on the doubt that sanctions are able to make targets change coupled with a positive belief that military action is able to bring about this needed change. Both of these assertions can be disputed, but the bottom line remains: Clawson’s comment would largely delegitimise the EU’s use of sanctions, since they are in most cases not backed up with the potential use of force. Indeed, the EU’s identity project builds on a pacifist idea both internally, through the success of the EU as a peace project in Europe, and externally, by presenting the European integration model as one that is conducive to peace in the wider international community. Commissioner Michel’s response (ID 557) to MEPs that called for a “harder line” against Zimbabwe however signals a more practical reluctance to couple sanctions

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<sup>157</sup>The events unfolded in 1998, after which the nurses were tried, sentenced first to death, and, when the sentence was transmuted, to life in prison. In 2007, their release was negotiated after efforts from the EU, especially France and Bulgaria. The precise circumstances of the negotiations remain unclear.

with the use of force. The Commissioner rhetorically asks whether the proposed harder line would imply – apart from sanctions – that “troops have to be sent in?”, and moves on to express his “doubt that any candidates would be found in this House for assembling the bulk of the troops needed”. Moreover, he does not consider it to be within Europe’s mandate, as “great harm will be caused to Africa and to its regional institutions” by military involvement by Europe.

Yet, for several of the sanctions cases discussed in the data, military action coincides with sanctions. This is true for Iraq, Sudan – where the discussion largely revolves around the AU’s peacekeeping operation – and the 2010-2011 sanctions on Libya. Nonetheless, the topic of complementarity with the use of force does not prove to be very central for MEPs. This is most likely because initiatives to propose military action are not primarily discussed within this framework. However, the EU’s infamous division regarding the second Iraq war does seem to be mirrored in attitudes toward sanctions. Those critical to military intervention did *not* generally conceive of sanctions as a good substitute. And those supporting the intervention are overrepresented among the (small) group that advocated comprehensive sanctions against Iraq. A few other examples of linkages between sanctions and force are also worth mentioning. MEP Libicki (ID 802) talks about a combination of economic sanctions and armed intervention as “one way” to “rein in African warlords who have been elevated to presidential office”. In contrast, MEP Tatarella (ID 1081) considers sanctions to be “an alternative to sending in the army”, and MEP van den Berg (ID 279) states that “preventive attacks are not a normal course of action in foreign policy” whereas sanctions are.

Different attitudes on the appropriateness of respective policy tools apart, the linkages made between sanctions and the use of force also have a time dimension. This is because foreign policy can be seen as working through sequences, starting with critical diplomacy, which in some cases moves on to sanctions, and rarely leads to the use of force as a measure of last resort. Sanctions in the early stage of a crisis can thus be called substitutes for the use of force, and at a later stage evolve into complements to the use of force. The 2010-2011 sanctions and the subsequent UN no-fly-zone against Libya illustrate this. Similarly, sanctions against Syria will undergo a transformation from substitutes to complements the moment there is a broader international intervention.

## Complementarity from Principle to Discursive Practice

EU sanctions never amount to complete isolation, since even when high-level contacts are cut diplomatic exchange usually remains in place. Or, as MEP Junker (ID 369) states: “the Council, the Commission and in particular Parliament, in the interests of the people of Burma, do not want to close all doors in Burma.” Certain policy tools are truly understood to be complementary to the EU’s sanctions policy – in our interpretation thus enabling the Union as an international actor. Humanitarian aid should for instance normally not be affected by the existence of sanctions.<sup>158</sup> Numerous examples that point out the importance of keeping humanitarian assistance in place can be found in the data (for instance ID 1088; 1001; 460; 903).

Furthermore, for cases where the emphasis on individual responsibility is particularly strong, legal action through the International Criminal Court is sometimes discussed as a course of action that parallels sanctions. Commissioner Ferrero-Waldner (ID 892) is “keen to point out that the purpose of sanctions is not to replace judicial proceedings against those responsible for human rights violations.” In the case of Guinea-Conakry, MEP Delvaux (ID 1036) welcomes targeted sanctions but considers that they need to be complemented with a “genuine international commission of inquiry, and that the crimes that have been committed do not go unpunished”. MEP Matsakis (ID 865) sees the ICC as an alternative to the previous route, where the EU has “exhausted itself with its rhetoric, statements of condemnation and largely ineffective sanctions”.

The study of policy linkages efficiently serves as a reminder of the multifaceted aspect of sanctions as policy tools. Apart from linkages made between sanctions and other foreign policy measures, there are also linkages made between different types of sanctions or between different negative measures. Hence, debate participants are conditionally in favour of or against sanctions. For instance, one MEP (ID 241) says yes to an arms embargo against Israel but no to sanctions. MEP Jeggle (ID 673) wishes to keep sanctions in place against Uzbekistan, but says no to visa sanctions against the President. Actually, a fifth of the statements<sup>159</sup> propose some kind of revision of the

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<sup>158</sup> Sanctions may indirectly affect the *ability* of the sender to give humanitarian aid, since the target may not then accept the aid. This occurred after the Tsunami struck Burma in 2005.

<sup>159</sup> The subset of the data, 1999-09 – 2010-07, n=1136, was corrected for missing values: direction of action not mentioned, direction of action ambiguous, or historical case.

sanctions package. Most of these statements (13.8% of all, n=128) wish to strengthen the measures, add entities, or make the sanctions tougher in other ways. This shows that the sanctions debate does not solely revolve around imposing or lifting negative measures, but also dabbles with the adoption of a range of measures that are taken from those that are grouped under the sanctions label. The partial suspension of sanctions, as was discussed with regard to Belarus during 2007, also illustrates attempts to discriminate between measures within the sanctions package.

Moreover, especially with regard to Belarus and Cuba, contacts with – or even the *creation* of (ID 815) – civil society are often referred to as necessary complements to the sanctions policy. Maintained and deepened contacts are important in order to avoid punishing the people and also in order to create a good/positive image of the EU for ordinary people. Moreover, it is judged to be “a moral responsibility” (Belarus, ID 815) or an expression of the EU as “a profoundly value-based community” (Cuba, ID 756). For Belarus, many MEPs emphasise the need to facilitate visa-applications for students and other people, “who we want to receive here and show how western democracy works” (ID 626). That difficulties in visa-procedures continue to exist, in spite of the basic consensus that sanctions should not affect ordinary people and that contacts with students in particular should be promoted, serves as a reminder that discourse can collide with political practice. In spite of proposals that Member States may create exceptions to the Schengen rules (ID 854), Joyet from the Council (ID 954) places full responsibility of the current visa-situation on the Belarussian authorities. A form of engagement that is able to distinguish between people and the regime is rather uncontroversial on paper but can prove to be problematic when put into practice. Likewise, aggressive public diplomacy or direct outside support for domestic opposition, or protesters in times of uprisings, may in the worst-case backfire through increased polarisation and repression in the country (see Dowgielewicz, Council, ID 1337, on Syria).<sup>160</sup>

Yet, another type of engagement, namely dialogue with the target, is more of a cleavage in the EU discourse on sanctions. Both positive and negative policy linkages to dialogue are frequently made, and in the following sections each will be discussed in turn.

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<sup>160</sup> See Nye (2008) for a discussion of the role of self-criticism for credible public diplomacy.

## The Door Is Open

In some cases, speakers advocate maintaining contact with the target as a complement to sanctions. Hence, Commissioner Mira speaks of how the Union's "very firm common position" on Burma can be "combined with a series of constructive strategies with the aim of determining how to move forward the political dialogue" (ID 424). Commissioners Stravros and Hübner are in favour of keeping certain "communication channels open" with the regime in Burma, especially in the framework of high-level ASEAN meetings (ID 538; 579). MEP Tannock (ID 543) wants to keep "contact with the Belarus authorities in areas of mutual concern such as people trafficking and trade matters".

Combining dialogue with sanctions is the core of the EU 'dual-track' policy towards Iran. Dryburgh (2008, p. 261) reasons on the connection between sanctions and engagement for which 'the EU has been instrumental in pushing for UN Security Council sanctions on Iran, but its commitment to engagement and dialogue remains apparent'. In HR Ashton's own estimation, the emphasis on dialogue has previously been used as "a way of preventing action" (ID 1079). Indeed, since the early 1990s, the EU's official strategy has been one of 'constructive engagement' and has often been criticised as a marriage of convenience that allows the EU to make some necessary criticisms while safeguarding its own commercial interests (Dryburgh, 2008; Reissner, 2000; Kaussler, 2008; Haass & O'Sullivan, 2000).

In spite of these doubts, blending sanctions with dialogue has solid support in the data, as may be seen through the repeated references to the 'double track' of constructive engagement or, as one MEP calls it, "smart power" (ID 1078). Statements that say yes to the combination of dialogue and sanctions rule out military intervention, "beati[ng] down the regime", isolation, and "unilateral action" (ID 931; 1078; 1064; 1065; 712; 1019; 720). The strong complementarity between dialogue and sanctions for the Iranian case, where the EU has a clear interest and where that security threat is still moving, suggests that when the sender is genuinely interested in making another actor change, it acknowledges that dialogue is necessary. In other words, in the 'division of labour' between combined measures, the primary role of sanctions may still be to show resolve rather than to incite target change (see ch. 3).

For North Korea – the other case of nuclear-proliferation measures – such advocacy for a two-track approach is not present. This might be not only because

dialogue with the regime in this case seems unlikely, but also because the ‘threat’ of North Korean nuclear weapons is smaller for Europe than Iranian nuclear weapons, and – more importantly – the threat is rather stable. For the US and others with more immediate interests in the region, the situation proved to be quite different with respect to both factors some years ago (see O’Hanlon & Mochizuki, 2003).

### **The Door is Closed**

The dominant story of the EU prioritises engagement and dialogue partly because the EU likes to be the ‘nice’ guy in world affairs, and partly because it is dependent on the ‘bad’ guys for providing cheap goods and supplying energy. It is inviting to subsume the complementarity principle of sanctions under these factors. However, our analysis shows that we do not need to go that far. Most statements actually contradict the EU’s complementarity principle, where sanctions are perceived to rule out the possibility of creating forms of positive engagement and dialogue. Thus, for concrete policy situations the abstract reasoning that all measures are compatible no longer holds true.

First, I should mention that the body of statements that preclude dialogue has more internal variation than those that envisage the strategies side by side. Almost all statements that couple sanctions with dialogue speak in favour of sanctions. Statements that deem sanctions to be incompatible with dialogue, on the other hand, are predominately but not always negative towards sanctions as a policy tool. Thus, it appears that the overall positive association of dialogue as a principally preferred means of doing politics spills over into the attitude toward sanctions. We find many statements where criticism of sanctions is justified with reference to a negative policy linkage made with regard to dialogue or other engaging measures. Hence, MEP Jeggle (ID 673) is sceptical of expanding sanctions against Uzbekistan to include a visa ban on the President, since that would be “breaking off diplomatic relations, and that cannot be what we have in mind”. Even with regard to Iran – the prime case for ‘constructive engagement’ – speakers contrast sanctions with the use of diplomacy, substantial political dialogue, and contacts with civil society (ID 805; 1022).

Any new room for manoeuvre created by the suspension or lifting of sanctions signals *e contrario* the policy constraints of sanctions that are in place. Fine-tuning the sanctions policy via temporary suspensions is seen to enable dialogue that has previously been impossible (Commissioner Ferrero-Waldner, ID 1008). Arguments for

sanctions against Belarus to be suspended or lifted are justified with reference to the many doors for cooperation that would open (ID 1055) and the chance to move towards a partnership (ID 1011; 983). When sanctions are suspended, the EU can use “every possibility of dialogue” (ID 1010; 1054).

Opponents to the ‘sanctions’ on Cuba tend to put sanctions in contrast with the possibility of political dialogue, constructive engagement, and development cooperation (ID 460; 550; 1100; 1108; 416; 1097). Without sanctions, the EU can “change attitudes” (ID 1108), more effectively “encourage peaceful transition” (ID 550), and “talk to Cuban authorities about prisoners of conscience” (ID 1100). Similarly, in the debate on possible sanctions against Israel, MEP Ludford (ID 1052) argues that “you cannot boycott and engage at the same time” and that “consistent, coherent EU pressure” is the alternative to sanctions. Although MEP Vajgl (ID 1053) worries that Israel sees the EU as “a paper tiger”, he prefers “a constructive policy and dialogue” to “the language of sanctions and threats”. Finally, Commissioner Kallas (ID 998) believes that (trade) sanctions or “any form of boycott” would be “harmful to talks and negotiations”, and in addition would hurt the Palestinian territories. Also sanctions against Hamas are criticised on the basis that they reduce the political room for manoeuvre. They are seen to be incompatible with the EU’s democratisation efforts in the Middle East and are taken to unrightfully exclude the possibility of “critical dialogue and cooperation” (ID 637; 1102; also 638; 746).

Yet, as was discussed in chapter 3, we should know that many speakers favour sanctions precisely because they represent action as opposed to talking, i.e. dialogue, which is not seen to be action. In consequence, some statements are positive toward sanctions even though their impact to limit policy options has been acknowledged. Erler (ID 714) for the Council presidency argues that Zimbabwe has not met the necessary criteria in order for dialogue to be resumed and that sanctions should therefore remain in place. MEP Juri (ID 995) finds it “difficult to speak to Hamas”, since it is on the terrorist list (i.e. under sanctions). MEP Triantaphyllides (ID 1050) asks for sanctions against Israel, which he thinks would halt the EU’s process of upgrading economic relations with the country. Commissioner Ferrero-Waldner (ID 623) wants to “work as little as possible” with the Belarusian government, and favours additional sanctions.



## **Libya – an Illustration of Policy Linkages in Practice**

If sanctions rule out certain actions, then conversely, lifting sanctions makes those actions available to the actor once more. An overview of EU relations with Libya under Gaddafi illustrates how lifting sanctions can open previously closed doors for contact and cooperation. By early 2012 it suddenly feels like a very long time ago that Libya managed to break the international isolation it had long suffered (UN Sanctions 1993-2003). Libya very actively contested the sanctions regime on the basis of the senders' own terms, referring to how the measures disrespected norms of liberal internationalism (Hurd, 2005). Through a foreign policy focused on normalization of relations (Hurd, 2005), and partly by taking the lead in setting up the African Union (Kwasi Tieku 2004, p. 267; Takeyh 2001, see chapter 7), Libya's international identity was (temporarily) transformed. The existence of vast oil resources also did its part in providing the surrounding world with an incentive to bring Libya out of the hall of shame.

After the 2011 revolutionary events in Libya and the eventual international armed support of the revolts, it is particularly interesting to note the policy linkages that were made at the time sanctions were lifted. In October 2004 Romano Prodi, then President of the European Commission, spoke of lifting sanctions as a decisive factor in enabling closer relations. He reflected as follows on earlier criticisms, finding that history had proven him right (ID 443):

I remember well the fierce criticism I received when I wanted to open up to Colonel Gaddafi's Libya. Now, two days after the sanctions against Libya were lifted, that moment really seems a long time ago. It has been just four years, but four years of discreet, constant, intense work that have enabled us to set important changes in motion in that country and have paved the way for Libya to be readmitted into the international community.

Two issues are especially important in what lead up to the justification of creating closer relations with Libya: oil and illegal immigration. Already in late 2003, MEP Vallvé (ID 402) commended Libya for its progress and welcomed the removal of UNSC sanctions as a means to open up the way for cooperation: "Libya is taking the route of progressive privatisation of its economy and putting an end to state control. It is also prepared to increase its fight against illegal immigration, which is taking place throughout the length of its 2000-km Mediterranean coast." Indeed, on the very same

day that sanctions were lifted, the EU took its first step towards cooperating with Libya on “immigration matters”. Moreover, both the UK and France took up weapon sales rapidly, and by 2008 Italy and Libya were connected with “the Treaty of Friendship, Partnership and Co-operation”, in which Italian investments were exchanged for the adoption of Libyan policies aimed at hindering migration into Europe (Pithouse, 2011a). Richard Pithouse (2011a) reports Silvio Berlusconi to have said that the agreement was about “fewer illegal immigrants and more oil”.

Lifting sanctions was understood to enable the EU to engage in cooperation on immigration with Libya. *E contrario*, the existence of the sanction was seen to preclude such cooperation. After the EU arms embargo against Libya was lifted in 2004, relations between the two countries thawed, and in 2008 negotiations had been started to conclude a framework agreement. Then RELEX-commissioner Ferrero-Waldner commented on this step: “This was a long awaited moment since the 2004 EU's decision to lift the sanctions against Libya and to start a policy of engagement with this country. I am pleased that we can finally launch these negotiations” (European Commission, 2008b). Political science professor Mustafa Abdalla Kashiem noted in Tripoli Post that an “examination of the EU's documents show that there is enthusiasm to conclude the agreement” (Kashiem, 2009). The framework agreement never materialised, but Libya’s new image stood strong even as late as late 2010. The Tripoli Declaration of the EU-African Summit in November 30, 2010, ends as follows:

We express our gratitude to the Leader of the Revolution and people of the Great Socialist Peoples’ Libyan Arab Jamahiriya for the care, hospitality and attention extended to the participants of this Summit.

(African Union Commission and European Commission, 2010c)

Only two months later, the Libyan regime started to massacre protesters, an action that was followed by new UN and EU sanctions, as well as military intervention from March 2011.

## Policy Linkages between Complementarity and Consistency

To analyse whether sanctions constrain or enable the EU as an international actor, in this chapter I looked at the policy linkages that are made between sanctions and other policy tools. I found that a surprisingly high share of the discursive policy linkages

contradict the complementarity principle. It is especially intriguing that there is a division between those that argue that sanctions are compatible with dialogue, or even *a form of* dialogue, and those who find it natural that sanctions close the door to dialogue. Moreover, suspending sanctions is frequently referred to as enabling other types of action to be taken. All in all, this suggests that the use of sanctions constitutes a *political*, if not legal, limitation of the EU's freedom of action as an international actor.

Furthermore, according to Karen E. Smith (2005, p. 27) mixing negative conditionality with engagement may give rise to accusations of double standards and inconsistency, especially in the event that countries in the same neighbourhood compare the policy treatments that they have received from the EU. Indeed, the EU does not have any single recipe for how to combine engagement with sanctions.

Yet, we can conclude that sanctions have an impact on the overall amount of room there is for manoeuvre and influences relations between sender and target beyond what the sanction itself prescribes. This effect exists even when sanctions have little material importance, again suggesting that sanctions should be understood through the *meaning* that is attributed to them and not only through their material characteristics.

Taken together, the 'robustness checks' of both sections in this chapter confirm that the policy field of sanctions is considered to be important – the volume is high – and that it has implications for the EU's broader policy choices – policy linkages. Whether they are understood to be good or bad for the EU, sanctions are important to European politicians and shape the scope of their political action.



## 6. THE AFRICAN UNION

### As a Bystander to the EU's Sanctions Policy

The question I have asked throughout is this: *how does the use of foreign policy sanctions shape the EU as an international actor?* To answer this question, I argue that the conventional analysis of the EU's self-image needs to be probed further and supplemented with the perceptions that other actors have of the EU. In the subsequent chapter (7), I will analyse the perceptions that the African Union (AU) has of the EU with regards to sanctions. To take the relational character of identity formation seriously, we cannot treat the other actor as simply an anonymous recipient of EU communication. Perceptions are interesting precisely because of – not in spite of – their subjective nature, and therefore to know the *subject* is necessary. The objective of this chapter is to familiarise the reader with the AU as a bystander to the EU's sanctions policy. The following parameters are of interest for this endeavour: the AU's own *world view*; the extent and type of *experiences* the AU shares with the EU; and finally any existing *power* asymmetry in the relations between the AU and the EU. More specifically, the AU's own philosophy on sanctions, the form and character of overall Africa-EU relations, and a history of brutal oppression combined with current resource dependency, are features of importance in understanding the African organisation as a bystander to the EU's sanctions policy.

One begins by looking at the simple facts: the AU is a regional organisation that is comprised of 54 states – every country on the African continent except for Morocco (African Union Commission, 2012a).<sup>161</sup> It was set up in 2002 on the remnants of the Organisation for African Unity (OAU), which was formed in 1963 but had become known as a secluded 'dictator's club'. With the introduction of the possibility to intervene in the affairs of Member States, the AU breaks with the OAU's strict non-intervention legacy. A central part of this ideological transformation is the doctrine for which *unconstitutional changes of government* are responded to with targeted sanctions (Maluwa, 2003). In other words, the AU is emerging as a new actor in

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<sup>161</sup> Because of the AU's recognition of West Sahara, Morocco is not a member of the AU; all other African countries are members. As of 2012, Member States subject to political sanctions are marked with an asterisk on the African Union's website.

sanctions, and it brings its own personality to the arena. At the same time, Africa is a key area at which the EU's sanctions policy is directed, and AU Member states make up a significant part of the universe of EU sanctions cases (European Commission, 2012a).

Any actor that is not a direct party to an EU sanctions regime is a bystander to this regime, but all bystanders are not equally important as co-constructors of the EU's international identity through sanctions. In chapter 2, I made the distinction between five categories of bystanders: observers, regional actors, conflict parties, co-sanctioners, and potential targets. The AU was selected as the preferred bystander for this study since it is a *regional organisation* with a *strong triangular exposure* to EU sanctions. In relation to the EU's sanctions policy the African Union falls into three bystander categories: it is an observer of the policy in general, a regional actor with regard to the African EU sanctions cases, and a co-sanctioner for both past and present cases.<sup>162</sup> These three roles expose the AU to the EU's sanctions policy from different perspectives, making its perceptions of unusual pertinence.

A possible objection would be that there are other bystanders that meet the EU's sanctions policy from as many angles and that are much more important for world politics than the AU. The strongest counter-candidates would be the US, China and Russia: all multi-exposed bystanders to the overall sanctions policy.<sup>163</sup> Considering that this thesis breaks new ground by at all including the perceptions of bystanders, the dream design would be to analyse bystanders from different categories and systematically compare their perceptions.

However, a structured comparison of different bystanders lies outside of the scope of this thesis. In its place, the way that the EU speaks about many different bystanders has been taken into account – albeit by necessity rather cursorily – in the thesis' investigation of external autonomy (chapter 4). The US is the bystander that has the strongest influence on the EU's sanctions policy, to the point that it is sometimes

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<sup>162</sup> The AU could possibly be considered a conflict party for EU sanctions cases in those cases in which it is involved in peace-making operations. However, there is not any such case at the moment, nor would it radically change the premises for my selection of the AU for my study. Finally, the AU is unlikely to be a target of sanctions in the foreseeable future.

<sup>163</sup> Alternatively, one could argue that multi-exposure is not a good selection criteria, and that it is more interesting to pick bystanders that are important only for specific cases and in fewer roles.

Pertinent case options could be Turkey, a regional bystander for the currently so important Iranian and Syrian sanctions cases, or Israel as, a conflict party for sanctions against Hamas. I welcome any research in this direction. However, in light of this thesis' generally phrased research question, it is preferable to focus on a bystander that has a broader exposure to EU sanctions.

ready to coerce the EU into cooperating. Especially as a hard test for EU autonomy and volume, it would be revealing to study US perceptions. However, US perceptions of EU would contribute primarily to the debate on the dynamics of transatlantic relations rather than to an analysis of relational identity formation. The US power supremacy and determined own stance on sanctions make a study of their perceptions much more predictable than a study of AU perceptions.

Russia and China are both important figures on the sanctions scene, together making up the more sanctions-sceptic pole in international politics. Their chosen role with regards to sanctions adds to this thesis' argument about how sanctions clearly signify an actor's positioning on the international scene. Hence, while their respective discourses on sanctions definitely merit to be subject to serious analysis, in terms of perceptions of EU sanctions they are again much more predictable than AU perceptions. Moreover, considering what we already know about the gap in attitudes towards sanctions, their perceptions are less likely to figure as factors for relational identity formation.

By selecting the AU as the preferred bystander of the thesis, I opted for less predictability in outcome. The AU's own sanctions policy is basically a blank spot on the research map, and although there are strong assumptions about the EU as a source of inspiration for the AU, few attempts have been made to analyse their perceptions of the EU. In conclusion, considering the AU's own identity as a regional organisation, its double-edged historical bonds to Europe, as well as its aforementioned diverse exposure to EU sanctions, the AU is particularly relevant for a study of what perceptions mean to EU identity formation.

This chapter is developed in three steps. First, I outline alternative ways to explain how African integration regrouped. Thereafter, I look at the specific role that sanctions have played in the ideological transformation of the organisation. A brief historical recount shows that African attitudes toward sanctions were expressed through alternating demarcations of loyalty, resistance and independence. The OAU's support for sanctions against South Africa and Rhodesia under the apartheid; its refusal to follow UN sanctions against Libya after Lockerbie; and the avant-garde OAU sanctions against Burundi in the 1990s represent different perspectives, but one common element to them all is the emphasis that is placed on African independence and unity. I argue that sanctions clearly are identity markers for the AU, as these

experiences have exemplified. The sanctions doctrine seems to be of its own making, and if the EU has been a model for the AU, it is well hidden (cf. Cameron, 2010).

Second, I reflect on the normative underpinnings and consequences of this doctrine. In the AU approach, it is seen that sanctions ought to be automatic responses to unconstitutional changes of government. The weak standing of electoral democracy in Africa, together with the strong role of certain African leaders in the Union, however, makes a one-size-fits-all-approach impossible. The implications, if not the intention, of AU sanctions, risk creating a condition for which continuity is favoured over change in African politics. Yet, a non-partisan, systematic use of sanctions is the ideational core of the sanctions policy, and as such it also forms the backdrop for the AU's critique of EU inconsistency and double standards.

Third, I explain what I mean by African Union perceptions of the EU. In an organisation that brings together 54 states there are obviously many varying perceptions of the EU. Nevertheless, the EU has chosen to engage Africa as a continent, as is clear from its declared ambition to treat Africa 'as one', and the AU is creating its integrationist project around a notion of African unity. These two features justify my usage of the term AU perception, and I am well aware that it is an approximation. To enable a deeper contextual understanding of AU perceptions, I describe the AU's triangular exposure - as observer, regional actor, and co-sanctioner - to EU sanctions. The chapter ends with an assessment of the state of EU-African cooperation when it comes to sanctions.

## The African Union – Well Begun is Half Done?

A new wind of change is blowing through Africa. The move from OAU (Organisation of African Unity) to AU (African Union) is supposed to be more than the dropping of one letter. It is supposed to represent a shift from a 'dictator's club' to a people-based grouping. (Reynolds, 2002)

A decade after this report on the inauguration of the AU, it remains unclear how this 'wind of change' could start blowing and change the face of African integration in only a few years' time (Packer & Rukare, 2002). Serious attempts to reform the OAU had been initiated as late as 1999, and by July 2002 the African Union had already been solemnly inaugurated. To understand the AU as a bystander to EU sanctions we first need to discuss the origins of the organisations. The following paragraphs provide an



orientation to existing explanations of the AU's rather sudden emergence on the world scene.

A first, necessary but hardly sufficient, condition for the emergence of the AU was the failure of its predecessor. Reynolds reported for BBC that "[n]obody is mourning the end of the OAU", and TIME magazine's Hawthorne stated that the OAU was "mercifully killed off by its member states" (Reynolds, 2002; Hawthorne, 2002). Apart from its core decolonisation and anti-apartheid agenda, the OAU had been ideationally divided and institutionally weak (see Packer & Rukare, 2002; Kwasi Tiekue, 2004). Given this, its empirical record was predestined to be unimpressive. Reynolds (2002) remarks that even as terror struck the very heart of the OAU, its host country Ethiopia, during the red terror campaign 1978-1979, the organisation proved to be incapable of intervening. This provoked further deterioration of the legitimacy of the organisation. By the end of the 1990s, paradigmatic structural changes such as globalisation, state fragmentation, the end of the Cold War, and the almost completed decolonisation of the continent, made it clear that the OAU's expiry date had come to pass.

As for most political innovations, the creation of the AU depended on a combination of material interests and normative beliefs, together with the resources and skills of actors to carry and articulate these interests and beliefs (see Williams, 2007 on norm entrepreneurs). On a very practical note, the maintenance of staff and headquarters facilitated the conversion from the OAU to the AU. Yet, for the same individuals, in their same old offices, to carry out a full-blown institutional revolution was not free of problems.<sup>164</sup> Makinda and Okumu (2008, p. 121) denounce this decision: "In retaining the OAU staff, the AU took a gamble and may have lost the opportunity of assembling highly professional, able, and committed personnel." Thus, in a Weberian argument, most likely the continued use of staff and physical premises both enabled and set the limits for the transformation of the OAU to the AU.

A second perspective sees the birth of the AU as the result of a struggle between the foreign policy interests of South Africa under Mbeki, those of Nigeria under

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<sup>164</sup> Apart from the Assembly of Heads of States, all AU organs were recreated from scratch (Magliveras & Naldi, 2002, p. 419). Article 5 of the Constitutive Act establishes the following organs: (a) The Assembly of the Union; (b) The Executive Council; (c) The Pan-African Parliament; (d) The Court of Justice; (e) The Commission; (f) The Permanent Representatives Committee; (g) The Specialized Technical Committees; (h) The Economic, Social and Cultural Council; (i) The Financial Institutions; (Organization of African Unity, 2000a).

Obasanjo, and Libyan dictator Gaddafi's plan for the creation of a 'United States of Africa' (Kwasi Tieku, 2004). Gaddafi was the primary driving force behind the creation of the African Union; he was the initiator, organiser, and financier. He invited the OAU to hold an extraordinary summit in Sirte, Libya in September 1999, where he tried to push through a radically pan-African agenda (Møller, 2009, p. 8; Baimu & Sturman, 2003, p. 38).<sup>165</sup> However, his ideas were considered far too extreme for most African leaders. While Libya is attributed with getting the ball rolling, South Africa and Nigeria tend to be given credit for the prominence of liberal norms in the Constitutional Act (Kwasi Tieku, 2004, p. 262; Møller, 2009). Møller (2009, p. 10) argues that South Africa and Nigeria's "ability to frame their favoured policies in the discursive garments of pan-Africanism" was a decisive move in order to "outmanoeuvre the obstinate defenders of the former principles of sovereignty and non-interference such as Libya and its allies".

Kwasi Tieku (2004) describes the playing field as one on which different foreign policy interests and ideas are pitted against each other, but he presents individual leaders – Olesgun Obasanjo, Thabo Mbeki and Muammar Gaddafi – as the relevant actors. He concludes: "the ideas and interests of Obasanjo, Mbeki, and, to a limited extent, Gaddafi are driving the AU" (Kwasi Tieku, 2004, p. 265). Sure, political leaders act as the representatives of interests and ideas that go beyond the personal sphere. Yet, their personalities as individuals may also have an impact on negotiations (see Greenstein, 1992; cf. March & Olsen, 1989, p. 38). In the end, it should not be forgotten that the construction of the African Union took place over the course of a number of meetings between individuals that negotiated positions and ideas, with different mandates from their home state, but all under pressure to reach an outcome (see Putnam 1988; Glendon, 2001).

A third perspective brings external factors into the equation. Makinda and Okumu (2008, p. 52) describe the AU as "an over-ambitious organization that was modelled on the European Union, which took over four decades to evolve to its present state." Surely, the European Union surpasses the African Union in experience as well as

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<sup>165</sup> Several reasons have been attributed to Gaddafi's eagerness to take on the African project. Did he want to be revolutionary leader for the whole continent? After all, he was given the title 'king of all kings' by 200 traditional African kings and traditional rulers in 2008 (BBC News, 2008). Other explanations are his failure to reach a prominent position in the Pan-Arabic cooperation, and that he saw the creation of the AU as a way to rehabilitate his country's reputation (Kwasi Tieku, 2004, p. 267).

monetary and human resources.<sup>166</sup> While the AU is much younger than the EU, the lack of resources constitutes a fundamental issue placing tension on the AU project, which cannot be explained away by its age alone. On one hand, “African solutions to African problems” is the AU’s ideational fuel. On the other, the AU is heavily dependent on donor support (see Makinda & Okumu, 2008, p. 78-79; p. 118). One might expect such reliance on external support to leave an imprint that goes well beyond the monetary value and influences how an organisation lays the foundations of its ideological framework (see Makinda & Okumu, 2008, p. 93). In view of its donor-dependence, to what extent was the ideological shift from the OAU to the AU self-created?

Considering how central the EU is as a point of reference for regional cooperation, it would be surprising if the AU had not taken a look at the European experience. Bach (2008, p. 356) notes that “[t]he AU’s new acronym is in itself an explicit reference to the model of the EU”. Kofi Annan, UN secretary general at the time, also referred to the EU when he commented on the emergent AU at the OAU’s last Summit: “This historic effort will require leadership, courage and willingness to depart from the ways of the past, if it is to do for Africa what the European Union has done for Europe” (Annan, 2001).

However, the AU is not yet a union, but a purely intergovernmental organisation, and the choice of name reflects a direction and a vision rather than an already obtained stage of cooperation and cohesion. Interviewee A at the AU’s Peace and Security Council pointed to the “altogether different political foundations of the AU and the EU” (interview, 2010-12-11). Indeed, the EU has had a gradual and selective approach to integrating Member States, and enlargement policy has been considered the EU’s most successful ‘foreign policy tool’. The AU, on the other hand, departs from the notion that the Union brings together all the continent’s countries in an “African family” (interview, 2010-12-11). Consequently, there are no AU entry requirements that are comparable to the EU’s Copenhagen criteria, and the only possible enlargement of the Union is if Morocco were to join.

In conclusion, it would be misleading to presume that African integration is a direct follower to European integration. Instead, the AU’s formation ought to be investigated on its own premises and in all its complexity. This important task lies

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<sup>166</sup> The AU had (as of 2008) an estimated budget of 500 million dollar (Makinda & Okumu, 2008, p. 57), to be compared with the EU’s €142 billion for 2011 (European Union, 2012).

beyond the scope of this thesis. However, some observations on the role of pan-African ideas are helpful for understanding the AU as a bystander to the EU's sanctions policy.

## Re-Inventing Pan-Africanism

We are determined to create a union of Africans. In a very real sense, our continent is unmade; it still awaits its creation and its creators. It is our duty and privilege to rouse the slumbering giant of Africa, not to the nationalism of Europe of the nineteenth century, not to regional consciousness, but to the vision of a single African brotherhood bending its united efforts toward the achievement of a greater and nobler goal.

Selassie, Haile,  
Emperor of Ethiopia

Address at the Summit Conference of African Heads of States, Addis Ababa, 22 May 1963

39 years after the Organisation of African Unity was formed in Addis Ababa, in the ancient African state of Ethiopia, Africa has convened in Durban to decide what it should do about itself. [...]

By forming the Union, the peoples of our continent have made the unequivocal statement that Africa must unite! We as Africans have a common and a shared destiny! Together, we must redefine this destiny for a better life for all the people of this continent. [...]

Long live African Unity. Long live African Union.

Mbeki, Thabo  
President of South Africa

Speech at the Launch of the African Union, 9 July 2002

As the quotes from Selassie and Mbeki demonstrate, the OAU and the AU were both first and foremost about African identity. Selassie speaks of *making a* continent and of *rousing* the slumbering giant of Africa. Mbeki's identity formation project, in contrast, does not start from scratch; there is already an Africa, a 'self', and the task ahead for the AU is to "decide what it should do about itself". Two lines later, it becomes clear what that task is: *redefining destiny* through African unity. Unity runs like a common thread through the two quotes, as does the emphasis on responsibility and agency.

The AU builds on the ideational legacy of the OAU experience (Kwasi Tieku, 2004; Møller, 2009; Makinda & Okumu, 2008). The poor empirical record and legitimacy problems of the OAU put aside, it was nevertheless an early step in an evolving norm

setting exercise (see Maluwa, 2002). The very first paragraphs of the AU Constitutive Act pay tribute to the OAU:

**INSPIRED** by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

**CONSIDERING** the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

**RECALLING** the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

**CONSIDERING** that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

If important basic premises of the two projects were shared, they were radically different in other respects. The direction the respective identity projects took was fuelled by the circumstances of the different times (see Makina & Okumu, 2008, p. 74). Pan-Africanism was not forgotten but *reinvented* in the AU (Murithi 2005, p. 30). Møller (2009, p. 5) thinks of pan-Africanism as a Foucauldian regime of truth, which makes leaders engage in “a symbolic competition with each other, each trying to surpass the others in terms of pan-African credentials and necessitating a framing of political objectives – even such as evidently point in the opposite direction – as incremental steps towards the pan-African ideal”.

The OAU's main cause was to fight colonialism, for liberation and self-government. At the inception of the organisation, Ethiopia's Emperor Haile Selassie (1963, p. 282) declared: “Today, We name as our first great task the final liberating of those Africans still dominated by foreign exploitation and control”, and “[o]ur liberty is meaningless unless all Africans are free.” This objective was understandable for the period of time, but the statist values transformed the OAU into a “mutual preservation club” for dictators in which a “culture of impunity” reigned (Makinda & Okumu, 2008, pp. 11, 57). Pan-Africanism historically focused on protecting the nation-state from external interference (Murithi, 2005, p. 30). Making the nation-state the central political entity was considered to be essential for the consolidation of the given territorial borders once independence had been obtained (Verdier, 2010, p. 27). Since these young states would have been unable to defend their borders with the use of force, external sovereignty was “the counterpart of internal state weakness” (Verdier, 2010, p. 27).

The AU established a new “philosophical bas[i]s for cooperation”, including the observation of “certain fundamental values and standards, including respect for human rights, democratic governance, and the condemnation of unconstitutional changes of government” (Kioko, 2003, p. 807; see also Makinda & Okumu, 2008, p. 74). By creating the condition in which an all-African actor could intervene in what was previously considered an exclusively domestic domain, a new meaning was given to the old catchphrase: “African solutions to African problems”.<sup>167</sup> Consider the following two quotes:

What we still lack, despite the efforts of past years, is the mechanism which will enable us to speak with one voice when we wish to do so and take and implement decisions on African problems when we are so minded. (Selassie, 1963, p. 285)

Let us have more confidence in ourselves and in our institutions. If we feel they are weak, let us strengthen them. Our partners must move in the same direction instead of holding our institutions in defiance. Nobody will build Africa in our place. Nobody will establish lasting peace in Africa in the place of Africans. (Konare, 2004)

A couple of simple but nonetheless important observations can be made based on these quotes. First, African decisions on African problems were optional in Selassie’s speech, something to take on “when we are so minded”. Consequently, in order to have this possibility the OAU created “the mechanism”. In contrast, Alpha Konare, Chairman of the African Union Commission, points to the absolute necessity for Africa to be in charge of its own problems, for which the basic institutions – i.e. the AU – are already in place. Second, they have different ideas about the involvement of others. Selassie mentions Europe only once in his twelve pages of speech, and when he does he refers to European nationalism as something that Africa should *not* repeat. Konare, on the other hand, mentions Europe as a partner and talks about the importance of external ‘additional support’. In Konare’s opinion, external support is instrumental to African agency, whereas Selassie believes that states should be free of *any* external interference, in principle both African and non-African. Selassie’s African ‘we’ is made up of sovereign nation-states that have been joined together in a ‘continental

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<sup>167</sup> The mantra “African solutions to African problems” has not only changed qualitatively, but its use has virtually exploded over the last few years. In 2009, Møller noted 10,000 hits on a Google-search for the phrase. Two years later, the number of hits has more than tripled (35,300 hits, 2011-03-15), and by July 2012 there are more than ten times these results (135,000 hits, 2012-07-07).

brotherhood’ but that are still fully in charge of deciding *when* it is appropriate to look for African – rather than national – solutions to African problems.

Therefore, rather than abandoning state sovereignty all together, the reinvention of pan-Africanism is better understood as a preliminary and hesitant redrawing of boundaries between that which is considered to be external and that which is considered to be internal. While the OAU focused on the *sovereignty* of the nation-state –resulting in de facto non-punitive – the AU moves towards an ideal of *autonomy* from interference – while encouraging support – from non-continental actors. The findings discussed in chapter 7 support this claim.

Thus far, African solutions to African problems have been discussed as a *right* to non-interference. However, the logical counterpart to this ‘right’ is the readiness to actually deal with one’s own problems. Møller questions whether a special responsibility of continental extension for the AU is “ethically justifiable”, since all countries on the continent “cannot possibly be blamed” for conflicts that break out in individual countries (Møller 2009, p. 16; see Jackson, 2000). Although this can indeed be debated, it seems to me that the AU’s point is to build responsibility around notions of solidarity and mutual interests rather than the attribution of blame. Furthermore, Møller (2009, p. 16) is concerned that the attribution of special responsibility will free the rest of the world from taking responsibility. Indeed, at the EU Delegation it is “appreciated” that the AU “takes care of its own problems even if they do not always manage” (interview, 2010-12-07 b). Also on the AU side it is emphasised that “African elites have to take responsibility” and not over-rely on outside assistance (interview, 2010-12-14). Similarly, Dr. Admore Kambudzi, head of the Peace and Security Council Secretariat, states:

When an African house is on fire, the Africans are expected to know better why the fire broke out in the house. The stakes are often much higher for Africans than for outsiders whenever a crisis erupts in any part of the continent”. (Kambudzi, 2008, p. 6).

Thus, the basic premise is that it is in Africa’s *interest* to take care of its own problems. This is not in contradiction with the fact that the AU is well aware of its own limitations. As we will see clearly when it comes to sanctions, the AU often seeks support from ‘the international community’ and its ‘partners’, including the European Union. For instance, after welcoming the creation of contacts between the AU PSC, the UNSC, and the EU

Political and Security Committee, the AU Assembly<sup>168</sup> called for “the mobilization of the international community as a whole in support to African solutions to African problems” (African Union, 2010a, p. 7).

“African solutions to African problems” build upon an idea of African unity. As we also know from the example of the EU, even as calls for unity become axiomatic, it remains difficult to define and achieve. The AU has engaged in a normative project that goes beyond a declaration of intent to an – albeit early – operationalisation of shared values. In the following section, I discuss the role of sanctions with regard to this development.

### **The Dual Impact of Sanctions on the Birth of the AU**

Not only did the transformation of the OAU into the AU revolve around re-defining the notion of interference, sanctions may indirectly have enabled the construction of the African Union. From this perspective, the AU was born from, “culturally speaking, an idea that sanctions are problematic rather than helping” (interview, 2010-12-20). One case was particularly influential in shaping this position, namely the UN sanctions against Libya following its involvement in terrorist attacks that destroyed two airplanes, one over Lockerbie in 1988 and one over Niger in 1989. From 1992 until 2003, Libya was under UN sanctions (United Nations Security Council, 1992), and these sanctions were initially implemented by the OAU member states, under their UN membership.<sup>169</sup> However, as early as 1994 the OAU agreed on a resolution where it “reaffirms its solidarity with the Great Jamahiriya” and warns against the “threat of additional sanctions and the use of forces as a pattern of relations among states” (Organization of African Unity, 1994). In 1995, the tone hardens further, as the sanctions are labelled ‘unjust’, hurtful to the peoples of Libya and of neighbouring states. The OAU Assembly “[d]eplores the maintenance of sanctions against Libya,” but does not explicitly demand sanctions to be lifted (Organization of African Unity, 1995). Two years later, the situation is addressed once more in the OAU Summit in Harare where the sanctions are referred to as “these obnoxious sanctions” (§3), and lifting sanctions is seen to have become “imperative more so as the sanctions are having an increasingly devastating effect on the people of Libya” (§6) (Organization of African Unity, 1997a). It was also

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<sup>168</sup> “Assembly” means the Assembly of Heads of State and Government of the African Union.

<sup>169</sup> The AU also opposed UN sanctions against Liberia (UNSC Resolution 1521 (2003)).



stated in the declaration that the "continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people future suffering" (§6)<sup>170</sup>. The call to lift sanctions was repeated in all of the following OAU summits (Baimu & Sturman, 2003, p. 38), and in 1998 the OAU Assembly decided, in its 34<sup>th</sup> Ordinary Session, to independently lift sanctions against Libya (Organization of African Unity, 1998; Sands & Klein, 2009, p. 245; Takeyh, 2001, p. 67; interview 2010-12-20):

2. DECIDES not to comply any longer with Security Council Resolutions 748 (1992) and 883 (1993) on sanctions, with effect from September 1998, if the United States of America and the United Kingdom refuse that the two suspects be tried in a third neutral country pursuant to the verdict of the International Court of Justice by July 1998, date on which the sanctions will be due for review, owing to the fact that the said resolutions violate Article 27 paragraph 3, Article 33 and Article 36 paragraph 3 of the United Nations Charter, and the considerable human and economic losses suffered by Libya and a number of other African peoples as a result of the sanctions;

3. DECIDES on moral and religious grounds and with immediate effect that the OAU and its members will not comply from now on with the sanctions imposed against Libya related to religious obligations, providing humanitarian emergencies or fulfilling OAU statutory obligations; [...]

This gesture of solidarity, "made on moral and religious grounds", is said to have moved Gaddafi towards Pan-Africanism and away from a position favouring Pan-Arabism (Sturman, 2003). Gaddafi was disappointed that fellow Arab countries had not defied sanctions against Libya, and in 1998 he is reported to have said: "I have no more to lose talking with Arabs" (Takeyh, 2001, p. 67). Instead, by challenging the isolation of Libya, Africa became a "paradise" for Gaddafi. To cement his country's African identity, the eccentric dictator declared that: "I would like Libya to become a black country. Hence, I recommend to Libyan men to marry only black women, and to Libyan women to marry black men" (Schneider, 1998).

The following year, Gaddafi called for an extraordinary OAU Summit to be hosted in his hometown Sirte, with the ambitious agenda of creating a "United States of Africa" (Organization of African Unity, 1999). Although this high-flying project was not realised, Gaddafi's initiative may be seen as the moment in which the transformation of the OAU into the AU first began.

The OAU's sequential reactions to the sanctions on Libya and how they managed to spark a pan-African vision to life are an example of sanctions working via mechanisms of distance and proximity. Distancing itself from UN sanctions was not only a statement of strong symbolic support for Libya, but also an articulation of African

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<sup>170</sup> It is worthy of note that the same Summit also made a declaration calling for the UNSC to be reformed (Organization of African Unity, 1997b).

unity.<sup>171</sup> The “Special Motion of Thanks” to Gaddafi that was articulated at the OAU’s fifth extraordinary summit in March 2001 expresses not only gratefulness to him, but also admiration for him at the level of a personal cult. In addition, the Heads of State emphasised that they were “conscious of the persistent attempts to destabilize the Great Libyan Arab Jamahiriya” and that they “CONSIDER that any act aimed at destabilizing and undermining the Libyan Arab Jamahiriya constitutes an affront to the collective aspiration of Africa and African peoples towards the attainment of self esteem, dignity and independence” (Organization of African Unity, 2001). The message is clear: if you mess with Libya, you mess with the whole of Africa.

Ben Kioko (2003, p. 821), current head of the AU’s Legal Department, has also emphasised how significant the rebellion of the OAU against UN Libya sanctions was. According to him, the move to disregard sanctions represented a readiness to “push the frontiers of collective stability and security to the limit without any regard for legal niceties such as the authorization of the Security Council” (p. 821). Kioko also discusses the UN factor when it came to OAU sanctions against Burundi in 1996. Following a military coup d’état, which led to the interruption of a very fragile democratization process, the Eastern Africa Region and then the OAU imposed sanctions (Wohlgemuth, 2005). The measures amounted to comprehensive sanctions, starting with an economic embargo that included a ban on coffee exports.

Kioko argues that these interventions were tolerated because they “were in support of popular causes and were carried out partly because the UN Security Council had not taken action or was unlikely to do so at that time” (2003, p. 821). The sanctions were initiated by neighbouring countries, picked up by the OAU, later endorsed by the UN, and supported by the EU<sup>172</sup>. In time, however, the sanctions were questioned by UN organisations and NGOs because of their negative humanitarian impact, and the measures were gradually eased (Wohlgemuth, 2005, p. 126). In addition, the sanctions regime’s potential as a representation of African ownership was undermined as the EU and the UN assigned their own mediators to Burundi.

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<sup>171</sup> The stickiness of this support showed in the AU’s difficulties in dealing with Gaddafi’s violent breakdown on rebels in March 2011.

<sup>172</sup> The European reactions to the military coup d’état in Burundi were divided, as some countries withdrew aid and military assistance, as well as closed embassies, while others stepped up their levels of engagement (Wohlgemuth, 2005, p. 129).

The Burundi case is worth mentioning for two reasons. First, it shows that the practice of sanctioning was initialised when concerned Member States pressed for resolution at the continental level rather than the other way around. In the absence of continent-wide institutionalised means of intervention, and with the genocide in Rwanda fresh in the collective memory, the sense of obligation to ‘do something’ was high among neighbouring states when things started to look messy in Burundi in late 1993. However, without institutional backing or a previous empirical record, the African initiative came under pressure from other actors, who were also afraid to be passive observers of ‘a new Rwanda’. Because sanctions against Burundi were imposed at the very end of the OAU’s lifetime, they effectively offered formative lessons to the AU’s upcoming sanctions doctrine. Moreover, the case illustrates well that sanctions are not an isolated affair between sender and target, but rather a multi-actor game where sanctions work as signifiers of both power and normative beliefs.

The second observation that may be drawn from the Burundi case is that sanctions be criticised for having too much and too little of an effect on the target all at the same time. On the one hand, sanctions did not hit as hard as intended due to weak implementation, absence of coordination with other actors, and straight-out disregard for the sanctions. According to interviewee B, the sanctions “did not work” since “coffee was exported anyway”, and “the support of the international community was lacking” (interview, 2010-12-16). On the other hand, sanctions were condemned for having too much of an effect in terms of their negative impact on the population. Burundi “could make the moral argument” that the export sanctions were “hitting the general population” (interview, 2010-12-16).<sup>173</sup> Indeed, sanctions had intense effects on the Burundian economy. These effects disproportionately weighed on the poor and failed to lead to clear target change (Wohlgemuth, 2005, p. 141). With its sanctions against Burundi the OAU moved away from the passive approach it had had towards Rwanda toward active diplomacy, sanctions, and even regional military intervention (see Wohlgemuth, 2005). Yet, the case also showed African leaders that while there might be a need to ‘do something’, doing something could have side effects that make you susceptible to criticism.

Although the AU has embraced the rhetoric of ‘targeted sanctions’, it does not entirely renounce the possibility of adopting comprehensive sanctions; in fact, AU

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<sup>173</sup> Another interviewee refers to AU sanctions against Madagascar as comprehensive sanctions (2010-12-21).

representatives talk about an existing “hesitation” towards imposing comprehensive sanctions (interview, 2010-12-11; 2010-12-20). Interviewee B stresses that AU sanctions “could be very comprehensive”, since the “AU Constitutive act goes beyond current use”. Indeed, the Lomé Declaration includes “trade restrictions” in its list of possible measures against unconstitutional changes of government, and adds that “[c]areful attention should be exercised to ensure that the ordinary citizens of the concerned country do not suffer disproportionately on account of the enforcement of sanctions” (Organization of African Unity, 2000b). In sum, while the AU joins the wider international community in its commitment to targeted sanctions, comprehensive sanctions continue to retain a certain appeal. The protection of civilians from suffering is framed in relative rather than absolute terms: ordinary citizens should not suffer *disproportionately* (compare to chapter 3). In spite of the lessons learned from historical cases, and regardless of the fact that the term ‘targeted sanctions’ has been embraced in both sender and academic discourse, comprehensive sanctions have not been wholly dismissed. As we will see in the following chapter, the continuing temptation to impose comprehensive sanctions is mirrored in the AU’s appreciation of the strength and impact of EU sanctions.

Apart from the Libyan and Burundi cases – which give complementary pictures of the importance of sanctions for African integration – the account would be incomplete without mentioning two other cases. Between 1974 and 1977, the OAU had informal sanctions in place against Israel, in support of Egypt (interview, 2010-12-20; 2010-12-17). This collective involvement in the Middle East conflict was primarily a form of support for Egypt as an African country, and only secondarily was it a statement against the occupation of other Arab territories (Peters, 1992, p. 57). Thus, this case is the reverse situation from the Libyan one – sanctions were used against the aggressor of one of its Member States.

In the 1960s, Israel invested a lot in aid-diplomacy towards Africa, and it was on good terms with many African countries. However, at the beginning of the 1970s what were previously divided African positions began to be aligned, and an increasingly critical stance was taken (Shaw, 1976). Following the breakdown of OAU attempts to mediate peace between Egypt and Israel in 1971 (Gitelson, 1973), the loyalty even of Israel’s oldest African allies began to disintegrate (Peters, 1992). By 1973, only the countries in South Africa’s immediate sphere of dependence – Botswana, Lesotho,

Swaziland and Malawi – still had diplomatic contacts with Israel. Increasing levels of peer pressure against Israel made Zaire’s dictator Mobutu, one of Israel’s most long-term African allies, feel that he had to choose between “a friend” – i.e. Israel – and “a brother” – i.e. Egypt (in Peters, 1992, p. 35); in the end, Mobutu reluctantly sided with the OAU. The OAU went so far as to question Israel’s membership in the UN (Peters, 1992, pp. 74-75), even though it did not back a straight-out demand for the country’s expulsion (Shaw, 1976, p. 23). Internal African disagreements on the Arab-Israeli conflict continued throughout the period. Therefore, it is truly remarkable that the OAU still managed to coordinate informal sanctions. Moreover, it is noteworthy insofar as it is a unique instance of an external – albeit informal – use of sanctions. Neither before nor after has the OAU or the AU called for sanctions to be imposed outside the borders of the continent. Also, while the sanctions expressed severe criticism of Israel, they overall represented a continent that was standing up for a fellow African state in trouble. The internal element is, thus, more present than what is common for EU CFSP sanctions, where sanctions are usually not adopted in answer to a direct aggression against a Member State (see chapter 1).

Finally, the OAU’s participation in the international sanctions campaign against the apartheid in South Africa and Southern Rhodesia was absolutely constitutive of the organisation’s identity (Organization of African Unity, 1965; 1966). The anti-apartheid stance was a strong card for the OAU, and it built its argument up around human rights. At the same time, this specific human rights discourse may have effectively blocked the OAU from developing a more extensive human rights policy (Murray, 2004, pp. 18-21). All in all, this case shows that the importance of sanctions for an actor’s identity formation and the participation of many actors in the sanctions regime need not be in opposition. On the contrary, the OAU was well aware that audiences other than the targets were necessary to make its human rights discourse through sanctions heard.

The Libyan, Burundi, Israeli, and South African situations are very different in character, but all have an important common denominator; sanctions effectively signalled a development in African independence and unity. This occurred by *refusing* international sanctions, *imposing* its own sanctions independently of a UN mandate, and by *adhering to* international sanctions. Consequently, the AU doctrine on sanctions did not start from *tabula rasa*. Instead, it brought with it a bag of rather mixed

experiences with regard to sanctions. In the following section, I will discuss what sanctions have become for the African Union.

### **A Sanctions Doctrine in the Making**

The AU has institutionalised two types of intervention with regard to its Member States: forcible measures (peace operations) in “grave circumstances”<sup>174</sup> and, non-forcible measures (sanctions) in cases where there has been an “unconstitutional regime change” (Organization of African Unity, 2000a, §4h; African Union, 2003, §4h; Lulie, 2010). Hence, the choice of measure is connected to the problem at hand; forcible measures are used for serious violations of international law, and sanctions are employed when there has been an ‘unconstitutional’ change of government.<sup>175</sup>

In turn, the AU applies two well-delineated meanings to sanctions. For both types of AU sanctions, it is common to refer to them as a form of “punishment” (interview, 2010-12-11). First, members who fail to pay their contributions are subject to sanctions that suspend them from participation in Union activities (African Union, 2009a; African Union, 2005a). The Constitutive Act of the African Union states that “any Member State that defaults in the payment of its contributions to the budget of the Union will be subject to “appropriate sanctions” that take the shape of “denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union or to benefit from any activity or commitments, there from;” (Art. 23:1, Organization of African Unity, 2000a; interview, 2010-12-11; 2010-12-17).

Magliveras and Naldi (2002, p. 422) find the AU’s sanctions against financial non-compliance “unduly harsh” compared with, for instance the UN Charter’s Art. 19. However, they did not foresee that states in particular financial difficulty would frequently be exempted from sanctions.<sup>176</sup> This use of sanctions is a “carrot/stick”-

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<sup>174</sup> Grave circumstances are defined as “war crimes, genocide and crimes against humanity”, AU Constitutive Act 4h (Organization of African Unity, 2000a; see Baimu & Sturman, 2003, p. 40). The Protocol Amending the AU Constitutive Act, which has yet to enter into force, also allows interventions to handle “serious threat to legitimate order” (African Union, 2003).

<sup>175</sup> An alternative approach would have been a temporal sequencing, where the use of non-forcible measures precedes the imposition of forcible measures. Interviewee B did refer to temporal sequencing, even if it was not between forcible and non-forcible measures but within the policy tool of sanctions. He/she pointed out that the Constitutive Act allows for the use of both political and economic sanctions, but a return to the political order through dialogue and mediation takes precedence (interview, 2010-12-17).

<sup>176</sup> Decisions on the imposition of, and exemption from, sanctions are made by the AU Executive Council. “Executive Council” means the Executive Council of Ministers of the Union, and consists of the Ministers of Foreign Affairs or any other by the member states’ designated ministers (Magliveras & Naldi, 2002, p. 420).

approach that is used to uphold some economic discipline in an organisation that suffers from constant resource instability, and it has been judged to be reasonably effective (interview, 2010-12-11). Member States still reach a certain debt level, but then “go and pay to avoid sanctions” (interview, 2010-12-11).

The second type of sanctions that are used is the type that interests us in this study. As aforementioned, “condemnation and rejection of unconstitutional changes of governments” is one of the working principles of the AU (Organization of African Unity, 2000a, §4p). As an expression of this principle, the Peace and Security Council of the African Union “has the power to institute sanctions *whenever* an unconstitutional change of government takes place in a member state” (African Union, 2002, §7g, my emphasis; Makinda & Okumu, 2008, p. 48). While the term ‘sanctions’ has still not been defined in the Peace and Security Council protocol (African Union, 2002a), the Lomé Declaration of 2000 establishes a framework for reactions to unconstitutional changes of government (Organization of African Unity, 2000b). The Lomé Declaration was decided upon pre-AU, when the OAU was on lit-de-parade, at the very same summit where the AU’s Constitutive Act was instated (OAU’s 36<sup>th</sup> Summit; see Udombana, 2002, p. 816). It remains the basic guiding document for the AU’s use of sanctions, since February 2012 complemented with the more ambitious African Charter on Elections, Democracy, and Governance (African Union, 2007).

AU officials emphasise that its use of sanctions is very much still a work in progress, and do not exclude the possibility that it will eventually be expanded to include other norm violations than unconstitutional changes of government. In fact, the constitutional act of the African Union opens up to the use of sanctions in other circumstances (interview, 2010-12-11; 2010-12-20). Article 23:2 of the AU Constitutive Act allows for the lines of transportation and communication to be cut as well as unspecified sanctions of “political and economic nature” – at the discretion of the AU Assembly – to be imposed against any Member State that “fails to comply with the decisions and policies of the Union” (Organization of African Unity, 2000a). This article provides for a potentially extensive application of sanctions, not only in terms of the norm violations covered (general non-compliance), but also by broadening the instrument to measures that are political or economic in nature (Magliveras & Naldi, 2002, p. 423).

Yet, no interviewee at the AU was aware of any on-going concrete plans to impose sanctions beyond the current procedures. A centrally placed official at the PSC stated that “probably we will see a broadening of the use of sanctions” (interview, 2010-12-20), whereas another expressed scepticism about the idea to use sanctions within a conflict/crisis-management framework, since “these sanctions are not always taken for the right reasons” (interview, 2010-12-16). According to him/her, sanctions against certain goods, primarily timber and diamonds, which are associated with ‘war economies’ may “endanger regional security” (interview, 2010-12-16). Another problem that was raised is that of whom to sanction in a “too messy, failed state”, Somalia being the prime example (EU del, 2010-12-06). Nonetheless, at its Special Session in August 2009, the AU Assembly threatened to impose targeted sanctions against armed groups in Somalia, Sudan, and Chad (African Union, 2009c).

The issue of a more extensive use of sanctions is not really on the radar for EU/AU relations. Officials at the EU Delegation to the African Union argue that the EU does not try to influence the AU to broaden its use of sanctions to include conflict/crisis management purposes (interview EU del, 2010-12-07; interview 2010-12-16). Although the EU uses timber and diamond sanctions in Africa, its position is: “not that the EU is stepping back, but Africans should also come up with own ideas” (EU del, 2010-12-07). Another EU diplomat reasoned that it would be a “colonial approach” for the EU to push the AU to expand its sanctions policy (interview, EU del, 2010-12-06).

Nonetheless, Council President Van Rompuy has warmly welcomed the AU’s emergence as a “norm setter” through the use of sanctions (African Union Commission and European Commission, 2010a). The AU is considered to have the “most advanced response to unconstitutional changes of government, they have a doctrine”, and to use sanctions in a “quite principled way” for being 54 states (interview, EU Delegation, 2010-12-07). When it comes to unconstitutional changes, “the AU is strong” and has made “tremendous progress in democracy”, says another EU Delegation diplomat (interview, EU Delegation, 2010-12-06).



## Unconstitutional Changes of Government

The Lomé Declaration defines ‘unconstitutional change of government’ as either the *removal* of a democratically elected government by means other than elections<sup>177</sup> or the “*refusal* by an incumbent government to relinquish power to the winning party after free, fair and regular elections” (Organization of African Unity, 2000b)<sup>178</sup>. Thereby, the AU’s sanctions doctrine has an unusually narrow normative basis when compared with the EU, which uses sanctions for a variety of norm breaches, including but not limited to democracy-related norms, or the US, which applies an even broader use of sanctions (interview, 2010-12-16). The narrow scope and high level of institutionalisation is, however, a double-edged sword. On one hand, the AU does not have such problems with consistency as the EU, since the universe of applicable circumstances is rather delimited. Insofar as they are “mandatory penalties”, the AU’s use of sanctions should be an automatic response to any unconstitutional change of government (Kane, 2008).

On the other hand, to the extent that democracy indexes correspond to ‘generally acceptable principles of democracy’, the AU may be “seen as a credible partner” (interview EU del, 2010-12-07), but it continues to be a *de facto* dictator’s club. The Durban Declaration of the first AU Assembly meeting states that “[t]oday, Africa is firmly on the road to democratisation” (African Union, 2002b, p. 2). Yet, the island state Mauritius, with its approximately 1,300,000 inhabitants, is the only country judged to be a ‘functional democracy’ in the Economist’s ranking. Thirty-one African countries are attributed a democracy index that falls below 4/10, thus qualifying them as ‘authoritarian regimes’. Ten are considered to be hybrid regimes and eight are flawed (see Loua, 2011, p. 56-58). The Ibrahim Index of African Governance uses another scale, which makes the picture seem slightly more positive, but the relative results are rather similar (Mo Ibrahim Foundation, 2011).

The use of sanctions against unconstitutional changes of government is presented as an instrument for democratisation. One way to understand this priority is that “democracy is less controversial than human rights in Africa” (interview, 2010-12-17). However, the reliance of the sanctions doctrine on constitutionalism may play in

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<sup>177</sup> The Declaration distinguishes between military coup d’états, intervention by mercenaries, and takeovers by armed dissident groups and rebel movements (Organization of African Unity, 2000b).

<sup>178</sup> The AU Constitutive Act leaves the application of the term unspecified (Organization of African Unity, 2000a).

favour of regime continuity. It is a classic catch-22 that governments can re-model the constitution to their benefit in the absence of functioning checks and balances. Paul Williams (2007, p. 274) describes this problem as follows:

Fraudulent elections and the re-writing of constitutions by the regime in power can also subvert the official constitutional process, or at least the democratic spirit of retiring gracefully from office. Both practices have been common in contemporary African politics.<sup>179</sup>

Thus, while the Lomé Declaration provides for sanctions against governments that refuse to step down after democratic elections, it “does not define fraudulent elections as an unconstitutional change of government” (Williams 2007, p. 275). Therefore, the AU has never actually imposed sanctions on a government that has remained in power after ‘winning’ flawed elections.<sup>180</sup> Unfortunately, peaceful regime change through mutually recognised democratic elections is still a rarity on the African continent. On the one hand, this is one reason why the AU addresses issues of democratisation to begin with. On the other hand, bearing in mind these circumstances, expectations on the AU as a democracy promoter have to be moderated (Verdier, 2010, p. 29).

Moreover, even if election fraud were to be recognised as an unconstitutional change of government, the challenge of judging whether elections have been ‘free and fair’ remains. As Elklit and Svensson (1997, p. 41), who have own experience of election monitoring, have stated: “it is difficult — perhaps impossible — to establish precise guidelines for assessing elections wherever they occur”. Evaluations of whether electoral standards have been followed are always relative rather than absolute since no election lives up to every possible standard of democracy. This leaves room for the observer’s own preferences – whether they be strategic or even emotional – to influence the report. The often diverging opinions of the EU, OECD, and AU election observation teams remind us of this (Baimu & Sturman, 2003, p. 40; Williams, 2007, pp. 273-274). In addition, the AU may be reluctant to “act as a final political referee” (Kambudzi, 2008, pp. 7-8). Dr Admore Kambudzi, head of the AU Peace and Security Council (PSC) secretariat, prefers to see the AU as “a locomotive force for assisting

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<sup>179</sup> Williams (2007, p. 275) mentions Chad, Nigeria and Uganda.

<sup>180</sup> Article 25:3 of the AU Charter on Democracy, Elections and Governance includes “any amendment or revision of the constitution or legal instruments, which is an infringement on the principles of democratic change of government” as an unconstitutional change of government (African Union, 2007). The controversy of this writing is evident from the fact that most AU Member States have still not ratified the Charter.

member States". He worries that elections tend to become "a new source of tension, disputes, disruption and violence [...] with far reaching implications for political stability and normalcy in the continent" (2008, p. 1).

The discrepancy between the AU's normative ambition and the reality on the ground in individual Member States is not in itself controversial. The question that this raises in the end is not that different from the one asked about the OAU: Can a purely intergovernmental organisation be different than its members in terms of values and organisational capacity? Can the whole be different than the sum of its parts? Can the whole be better than the sum of its parts? These questions have been widely debated within the philosophical sphere (Hegel, Heidegger, Husserl). IR-theory has conventionally placed emphasis on the "ontological priority of the whole over its parts", or in other words, sought to explain the behaviour of states as subsets of the international system (Wendt, 1987). The emergence of regional organisations such as the EU and, possibly, the AU challenge this. When these organisations move from being paper tigers to actually intervening in their Member States' affairs *or beyond*, the clear-cut distinctions between internal and external are called into question. They are replaced by a grey zone for action, where the definition of that which is external and internal will depend on a combination of political framing, self-understanding, and perception.

### **'African' Perceptions of the EU**

Considering the diversity of the geographical, cultural, religious, and political conditions of all 55 African countries, it seems strange to speak of 'African' perceptions of the EU. In this section, I will explain why it is less absurd than it appears at first.

Since 2007, exchange and cooperation between the EU and the AU is supposed to have deepened in a joint strategy and eight areas of partnership.<sup>181</sup> Among many other things, the Joint Africa-EU Strategy aims "to promote more accurate images of each other, in place of those that are dominated by inherited negative stereotypes (General Secretariat of the Council, 2011, s. 3). Although we have a joint EU/*Africa* strategy, and not a joint EU/*AU* strategy, the AU is conceived to be the prime institutional partner

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<sup>181</sup> Some claim that the charm of the novelty of the JAES has already started to fade, and that it has been remarkably silent since the 2010 EU/Africa Summit in Tripoli, Libya. One high AU official for instance thought that I should have been in Tripoli to hear African leaders complaining about the double standards of the EU (interview, 2010-12-11).

through which the strategy should be realised. The AU offers a “continental entry-point” on “African issues” for the EU (interview, EU del, 2010-12-07). One interviewee added that “they would have created the AU if it did not already exist”, since there was a need to be seen as a “credible partner” to other global actors (interview, 2010-12-07).

While the EU is not always well seen in Africa –its use of conditionality is particularly controversial – it is appreciated that the EU has decided to engage Africa as a continent, as opposed to China which “works more bilaterally” (interview, 2010-12-07). Thus, it is through the commitment to engage Africa ‘as one’ that the AU becomes the natural counterpart for the EU. This is also made explicit early on in the Joint Africa-EU Strategy, where “the unity of Africa” is mentioned as the first of the “fundamental principles” that will guide the partnership (African Union Commission and European Commission, 2007, p. 2)<sup>182</sup>, and the Joint Africa EU Strategy Action Plan for 2011-2013 places emphasis on the “principle of treating Africa as one” (African Union Commission and European Commission, 2010b, p. 10).

However, Bossuyt and Sherriff (Bossuyt & Sherriff, 2010, p. 7) note that “[t]he JAES has not been instrumental in *‘treating Africa as one’*”. Together with Goertz, Sherriff sees an “entirely fragmented policy” as one possible outcome of the uprisings in North Africa (Goertz & Sherriff, 2011). As they also note, it may not be “very surprising” that such an “ambitious” and “complex” approach such as the JAES does not manage to live up to its own standards. The formalisation of cooperation in eight different policy fields (at least putting it on print) may at this point in time be better understood as a way to create platforms for dialogue, rather than full-blown institutionalisation in partnerships (Bossuyt & Sherriff, 2010, p. 10).

What is most relevant for this study is not whether Africa is indeed united or not, nor whether the EU manages to fully live up to treating Africa ‘as one’. Rather, it is the actors’ mutual discursive commitment to the “‘treat Africa as one’ principle” (Mackie *et al*, 2009, p. 11) that makes it possible to “treat Africa as one” also when it comes to the AU’s perceptions of the EU. The formulation already expresses that Africa *is not* one, but can be consciously addressed as such. Given the ideological foundation of Pan-Africanism, the effort to seek political unity, and its strong continental self-

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<sup>182</sup> “[T]he interdependence between Africa and Europe, ownership and joint responsibility, and respect for human rights, democratic principles and the rule of law, as well as the right to development”, are the other mentioned fundamental principles.

identification, it makes sense to speak of AU, and where applicable even 'African', perceptions of the EU. After all, "Think Africa above all" is one of the AU's guiding values (African Union Commission, 2012b).

### **The AU's Multi-Exposure to EU Sanctions**

I have defined observers as "actors who do not have a direct relation to the specific sanctions cases, but who still have an overall stake in the use of sanctions for the redrawing of boundaries in the international system." Considering the character of EU-AU relations beyond sanctions, the AU clearly qualifies as having such a stake. Actually, already in 1979 the OAU set up a permanent Brussels office. Today, the AU has a "permanent mission" in Brussels, the tasks of which include monitoring EU-AU cooperation and representing the AU in all EU Member States (African Union Commission and European Commission, 2012).

Of the eight JAES partnerships, peace and security stands out as a privileged field of cooperation (interview, 2010-12-17; 2010-12-20). There is a "real investment in the 'peace facility'", meaning "more money" (interview, 2010-12-17), and peace and security is considered to be visible and high on the agenda (interview, 2010-12-20). As one interviewee said: "perception matters!", and indeed the dominating perception is one where the peace and security framework has been prioritised. Interviewee A, however, believes that the EU's support to the African Peace and Security Architecture (APSA) is a sham. The EU gives money only in its own interest while it is "in reality anti-APSA" (interview, 2010-12-11).

The Member States of the European Union and the European Commission are together the largest donors to the many African countries that are dependent on development cooperation, and indeed "the economic partnership is extremely important" (interview, 2010-12-20). Nevertheless, there is irritation that the EU fails to live up to its standing promise to use 0.7% of the GDP for development cooperation (interview, 2010-12-17), as well as that the Union has been micromanaging its aid at the expense of real impact. As interviewee A states: "The EU is pledging money for spoons, but not for sugar and salt. What is, then, the value of the spoons?" (interview, 2010-12-11). AU interviewee E had more understanding of the use of conditionality in EU aid. He/she thought that although "it does not work" it makes sense for a donor to attach certain conditions to money that is given, just as he/she him/herself would like to know

what money given to a family member would be used for (interview, 2010-12-14). And at the EU Delegation, development assistance is still considered the most important field, even though there is a feeling that “the EU is taken for granted” (interview, EU del 2010-12-07).

On a few occasions, the AU and the EU have had sanctions in place against the same target at the same time. Guinea-Conakry (2009-2010, still under EU sanctions), Côte d’Ivoire (2010-2011, still under EU sanctions) and Guinea-Bissau (2012) are recent examples. This means that the AU has been a co-sanctioner to EU sanctions, and vice versa. Being a co-sanctioner, however, does not imply that the regime of sanctions is the same or even that the two actors see themselves to be partners. On one hand, in the Tripoli Declaration of the 3<sup>rd</sup> Africa-EU Summit in 2010, the parties “firmly condemn[ed] all unconstitutional changes of governments which, alongside bad governance, are one of the main causes of instability”, and the JAES committed to “coordinated action in responding to political crises” (African Union Commission and European Commission, 2010b; 2010c, p. 2). Interviewees claim that “we cooperate on unconstitutional changes of government” and that the “message” is “more solid if coordinated” (2010-12-20, 2010-12-07). Moreover, AU interviewee B claimed that the EU and the AU were working together on the then on-going sanctions against Côte d’Ivoire (interview, 2010-12-16).

But this is not the whole picture; the opposite story is that AU-EU sanctions are “not coordinated” and that “the EU uses its own sanctions” also “against unconstitutional changes of government” (interview, 2010-12-11). There is “more tension than cooperation on sanctions” between the AU and the EU, and the EU seeks to “marginalise AU sanctions” (2010-12-11). According to interviewee A there is “no coordination”, since the EU is “not willing to let the AU lead” (2010-12-11). He/she thought that “[t]he only problem with the AU’s sanctions practice is that the international community is undermining it” (2010-12-11, 2010-12-15). Moreover, according to interviewee A “the fear of a too strong AU is quite a fact”, and “some individual Member States of the EU like the AU to be weak, since they are afraid that the AU would start dictating terms” (interview 2010-12-15). He/she reasons that Germany, France and Italy have “huge business interests in Africa” and therefore “do not want the AU as a too powerful player” (interview 2010-12-15). According to this view, cooperation with the EU on sanctions “does not work because of attitudes of

former colonial powers”, whereas it is “different with US, India, China” (interview, 2010-12-11).<sup>183</sup> Similarly, an EU delegation official talks about a “reluctance to give the AU power” (interview 2010-12-06).

Finally, regional bystanders are states, or organisations, in geographical proximity to the target, which by virtue of this are often self-selected audiences for the EU’s sanctions communication. As of September 2010, the EU had sanctions in place on the African continent against the Democratic Republic of Congo, Côte d’Ivoire, Egypt, Eritrea, Republic of Guinea (Conakry), Liberia, Libya, Sierra Leone, Somalia, Sudan, and Zimbabwe.<sup>184</sup> Of these cases, however, only sanctions against Guinea-Conakry and Zimbabwe were purely ‘autonomous’ EU sanctions; i.e. non-UN sanctions, whereas Sudan, Libya, and Côte d’Ivoire contained autonomous elements – i.e. add-ons to UN sanctions. The AU had itself imposed sanctions against Guinea, and these sanctions were lifted by the 252<sup>nd</sup> meeting of the PSC on 9 December 2010 (Peace and Security Council of the African Union, 2008b; 2009a; 2009b; 2010c). In contrast, the AU has never had sanctions in place against Zimbabwe. Thus, for the Zimbabwean case in particular, the AU is a regional bystander.

Table 6.1: EU Autonomous Sanctions and the AU’s Bystander Roles

	Observer	Co-sanctioner	Regional Bystander
<b>Case</b>	Belarus, Burma, China, North Korea, Transnistria, Ex-Yugoslavia, Syria, Iran; terrorist lists	Côte d’Ivoire, Guinea-Conakry, Guinea-Bissau	Zimbabwe; Libya; Tunisia; Sudan; Egypt

These predefined roles are important but do not give full information on the situation. Just as the coexistence of sanctions does not necessarily mean cooperation or even coordination, cooperation may occur even if only one actor has imposed sanctions in a certain situation. The opinion of one interviewee was in line with this alternative reasoning and found that EU and AU sanctions are “complementary”. For instance, targeted leaders usually do not have their assets in Africa but in Europe. Therefore, the EU and not the AU has the “possibility, capacity” to freeze these assets (interview,

<sup>183</sup> This AU official reasoned that the US, in contrast, is ready to let the AU have the “leading position” due to its “interest in Africa about anti-terrorism” (2010-12-11). Another AU interviewee talked about Chinese readiness to contract with the junta in Guinea, while still under EU and AU sanctions (2010-12-21).

<sup>184</sup> In October 2012, the EU no longer has sanctions in place against the Sierra Leone. The arms embargo on Sudan has been expanded to South Sudan, and new measures are in place against Guinea-Bissau and Tunisia. Otherwise, the list remains intact though measures in the packages may have been revised.

2010-12-17). The same would go for travel restrictions, where one EU delegation interviewee states: “intra-African travel is not important, what matters is travel to Europe”, which makes “EU support” and EU sanctions necessary (interview, 2010-12-07b).

As we will see in the following chapter, there are two parallel lines of reasoning regarding the dynamics of EU-AU relations when it comes to sanctions. One tells a story of shared values and complementarity of action, the other recounts a story of on-going colonial interests and tensions. The stories stand in conflict; nevertheless they co-reside on the discursive level. Let us therefore see if we can find out how cooperation is organised in practice.

### **EU-African Cooperation on Sanctions**

The JAES declares that it is “time for these two neighbours, with their rich and complex history, to forge a new and stronger partnership [...]” and to move away from “a traditional relationship” (African Union Commission and European Commission, 2007, p. 1). To reach this aim, the JAES outlines several multi-level forums for dialogue, from the Summits between Heads of State and Government every three years, to Foreign minister meetings every six months, and more recently Ministerial or Senior Official meetings, as well as Joint Expert Group meetings (African Union Commission and European Commission, 2010b, p. 9). When it comes to sanctions, International Contact Groups may be set up in cases of coups (interview, 2010-12-16; 2010-12-07). In addition, the AU Peace and Security Council and the EU Political and Security Committee meet annually for Joint Consultative Meetings (interview, EU del, 2010-12-06). AU interviewee B emphasises that the EU and the AU are “collaborating on one aspect: unconstitutional changes of government” and that the “EU endorses officially the AU's use of sanctions” (interview, 2010-12-16).

However, the level of ambition of the exchange during the consultative meetings seems modest (EU PSC and AU PSC, 2009; 2010; 2011; 2012). At the second meeting (May 2009) the parties “agreed to explore more ways of working together”, and to “explore new means to support each other” when it comes to unconstitutional changes of government. In the protocol of the following meeting (October 2010) sanctions are mentioned in the seventh, or penultimate, paragraph; “they underlined the importance of [...] examining the possibility of joint EU-AU declarations/demarches and of



coordination concerning the implementation of sanctions". "Closer cooperation, joint statements"; "complementarity and operationalisation; lessons learned" are planned but have not yet been realised (interview, 2010-12-07). Another AU official talks about the partnership with the European Union in peace and security as well as in governance, but acknowledges that "there is no formal text on sanctions" (2010-12-17). Political cooperation on sanctions is mostly informal, at an early stage, or focused on implementation technicalities (see Mackie *et al*, 2009 on governance dialogue).<sup>185</sup> Sporadic meetings are unlikely to change this. The difficulties in cooperating are a reminder of how the practice of sanctioning revolves around notions of sovereignty and ownership, which are obviously sensitive matters.

## Conclusion

At the beginning of this chapter, I claimed that it is important to know the bystander in order to estimate what its perceptions say about the EU. Furthermore, I argued that the bystander's own convictions matter, together with how well and through which types of experiences the actors know each other.

To know the African Union is to know the bumpy journey of African integration from the vilified OAU to the normatively high-profile AU. This chapter has given a brief glimpse of this journey. The world-view that the AU has is solidly anchored in the roots of Pan-Africanism. At the same time, pan-Africanism is a set of living ideas, which have been redefined to accommodate new conceptions of the relevant borders between that which is internal and that which is external. Without this, it would hardly have been possible for the AU to develop a sanctions doctrine of its own.

Yet, in the convictions that lie behind the sanctions policy lurks residues of old-style regime security that run counter to democratization objectives. In consequence, the ideological turn from non-intervention to non-indifference may be overstated, at least judging from the present provisions.

The AU knows the EU well, as a 'partner' in the eight fields of JAES cooperation and since it is its largest donor, but it also knows the EU as being the continent that

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<sup>185</sup> Not only may the lack of printed evidence of cooperation hide informal contacts, but the printed evidence may also be exaggerated or give a skewed picture. For instance, cooperation between the AU Peace and Security Architecture and the EU Coops was judged to be a "disaster" by interviewee A, who claimed that the joint statement that was published was straight out "a lie" (2010-12-11).

colonised Africa. These diverse experiences are likely to influence its perceptions of the EU in a number of ways. Already the polarised opinions on the state of cooperation on sanctions suggest that the complicated historical bonds between the continents continue to impact the way that the EU is perceived. Doubtlessly, due to the post-colonial heritage and Africa's continued economic dependence, together with the EU's seniority as a regional organisation with superior resources, EU-African relations continue to be characterised by power asymmetry.

## 7. AU PERCEPTIONS OF EU SANCTIONS

### - It Is Not What You Say, It Is What They Hear

The presence of what are still strong European interests in Africa and the many situations on the continent that demand normative reactions make Africa an exceptional setting for the EU to assert its identity in the international arena (see Olsen, 2004, p. 84-85; Van Crielinge, 2009, p. 51). With a variety of policies and measures, and against the backdrop of historical images, the EU sends out messages about itself to Africa and in particular to the AU. While the AU as an international actor is still at an early stage, it is an already popular arena in which the EU can project its policy priorities. It increasingly carries expectations not only on the part of the African citizens (interview, 2010-12-21), but also the rest of the world “look[s] at and expect[s] the AU to address and solve the problems facing the continent” (Kambudzi, 2008, p. 7). Indeed, references to the AU during EU debates on African crises, are almost always presented using a language of positive expectations. Africa may not be at the “top of the international agenda” (Kotsopoulos, 2007), but the EU has chosen the AU as an audience for the external messages that it sends out about itself.<sup>186</sup>

The task of this chapter is to find out which messages are received, which are dismissed, and which are ignored by the AU in its role as a bystander to the EU’s sanctions policy. I do this by analysing AU perceptions of EU sanctions, with outlooks on its self-understanding of sanctions as a policy instrument. AU perceptions are understood to be positions, impressions, and thoughts regarding the EU as articulated by AU officials in semi-structured interviews conducted at the AU headquarters in December 2010, and as expressed in AU official documentation from the Assembly, the Executive Council, and the Peace and Security Council. This analysis is supplemented by statements from African politicians, intellectuals, and citizens as transmitted by African media reports; these last were selected keeping geographical spread in mind.

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<sup>186</sup> It is worthy of note that the “European Foreign Policy Scorecard”, which grades EU foreign policy performance since the Lisbon Treaty entered into force, does not include Africa in its six ‘themes’. The US, China, Russia, Wider Europe, Crisis Management and Multilateral Issues are the six chosen themes (European Council on Foreign Relations, 2012).

The chapter is structured as follows. I begin by placing the AU's ideas of why the EU uses sanctions into contrast with how it justifies its own sanctions policy. Through this comparative exercise, I find that the parameters that are used to understand the self are very different from those through which another actor is perceived. AU perceptions of EU sanctions vary depending on the context and are at times contradictory. A picture emerges in which perceptions depend more on the bystanders' relationship to the third party – the sanctions target – than on the overall relations it has with the sender. The AU has, for instance, largely internalised Zimbabwean criticism of EU sanctions as being hypocritical. However, it lacks an articulated idea of what the EU seeks to achieve with its use of sanctions beyond punishment. Overall, AU perceptions pay more attention to what EU sanctions *do* on African territories than to *why* they were imposed in the first place. In contrast, in the AU's self-understanding, different logics of action work smoothly together towards the end-goal of changing the target. A fast-track institutionalisation serves to simultaneously achieve credibility and increase the possibilities of changing the target, i.e. ensuring return to constitutional order.

Perceived and self-defined logics of action provide a qualitatively complex map that does not, however, explicitly express how important – or unimportant – sanctions are within a broader policy outlook. Therefore, the chapter moves on to analyse the volume of sanctions as a topic for EU-African relations. Sanctions are astonishingly absent in official documents on EU-Africa relations, yet individual cases prove to be explosive issues. Thus, this silence cannot readily be equated with insignificance of sanctions. On the contrary, it may represent an inability of EU-African relations to manage politically sensitive issues.

The subsequent section is devoted to the topic of EU autonomy in sanctions. The EU seldom finds itself alone as a sender of sanctions; its measures co-reside in more or less harmony with those of other actors. Therefore, it is relevant to ask to what extent the EU's sanctions policy is perceived to be autonomous in relation to other international actors and individual Member States. I find no indication that EU sanctions have been confused with those of other actors. However, while the policy outcome is understood to be truly European, some Member States are believed to influence the process more than others. According to this perception, old colonial powers tailor-make sanctions to suit their own interests whereas well-intentioned small countries under the

EU flag are suffocated. As for the AU, autonomy from external influence is an essential part of its self-understanding as an emerging actor in sanctions. Moreover, possible internal divisions do not fit into a discourse that presents sanctions as an automatic policy tool.

Finally, acknowledging that sanctions are not used in isolation but as a part of a broader foreign policy setting, policy linkages made between sanctions and other policy measures are taken into consideration. Two other issues are in competition with sanctions in the discursive space: the suspension of development aid under Art. 96 of the Cotonou Agreement, and the appropriate mandate for the International Criminal Court (ICC). Article 96 measures are considered to be 'sanctions', even though they are not formally recognised as such.

As for the ICC, there is friction regarding how impunity and post-conflict reconciliation are respectively interpreted. Positions are polarised here in a way that brings the most contested sanctions cases to mind. In addition, arrest warrants of the ICC, such as those against Sudanese President Bashir, are a *de facto* travel sanction if respected by the signatories. Apart from these two issues, surprisingly few explicit linkages are made between policies. There is a holistic discourse that emphasises spill-overs between sectors, but in practice EU-Africa cooperation is fragmented.

The final section of the chapter analyses some preliminary implications of the findings. The study supports the argument that sanctions are subjectively constructed foreign policy tools, which belong in the sphere of meaning rather than the material sphere. The analysis shows that the straightforward categories of internal and external are vital to better understand the construction of meaning around negative sanctions. Analysing EU sanctions through the eyes of the AU provides a new look at the EU as an international actor. In addition, contrasting AU and EU sanctions philosophies raises new questions, not the least about what the emergence of new regional actors as senders of sanctions does to the conventional understanding of concepts such as non-intervention and norm promotion.

## Logics of Action

Searching for logics of action is to try to answer the question as to why an actor chooses a certain course of action. We have seen that in the EU's self-understanding self-

oriented objectives dominate expectations of target change. In this chapter, I explore which reasons the African Union thinks the EU has for using sanctions. Because sanctions are a multifaceted policy tool, EU and the AU are internally diverse (quasi)-continental organisations, and the rest of the world is equally diverse, there is no reason to expect any single logic of action – changing others, creating the self, or habitual sanctioning – to univocally dominate either self-understanding or the perceptions of other actors. Considering this, it becomes important to discover how different logics of action are weighed one against the other. The study confirms that perceived logics of action seemingly depend just as much on the AU's relations to the case in question as on the characteristics of the EU sanctions regime.

### **Sanctions – What They Are and What They Do**

When faced with a complex puzzle, it proves helpful to start with the easiest pieces. As we have seen in chapter 1, drawing the line between sanctions and other types of negative conditionality – the construction of sanctions as a policy tool – tells a story in itself. This section focuses on the AU's interpretation of the dialectic that exists between comprehensive and targeted sanctions.

In the AU's self-understanding, sanctions are political sanctions, but it conceives of EU sanctions as both political and economic (interview 2010-12-17; 2010-12-07).<sup>187</sup> This is surprising in light of the fact that comprehensive trade sanctions have been outdated in EU rhetoric for almost two decades. However, the AU does not limit its understanding of EU sanctions to the CSFP measures that the EU has denominated sanctions or restrictive measures. Instead, it also considers the so-called "Art. 96 measures" as sanctions (interview, 2010-12-11, 2010-12-20). Art. 96 measures suspend aid or development cooperation under the Cotonou Convention's conditionality clause, and are thereby clearly economic in character (European Commission, 2012b). According to Portela (2010, p. 126), aid suspensions are "designed in such a way as to spare the population of the country concerned from any suffering". Yet, given the dependence that ACP-countries have on development assistance, the logic that underlies Art. 96 measures is similar to that of traditional comprehensive embargoes.<sup>188</sup>

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<sup>187</sup> EU delegation officials make a distinction between AU political sanctions and EU legal sanctions (interview, EU delegation, 2010-12-07).

<sup>188</sup> ACP stands for the African, Caribbean and Pacific Group of States. The ACP was formed by the Georgetown Agreement in 1975 and today is comprised of 79 countries that cooperate toward the attainment of the

For instance, the AU imposed sanctions during the political crisis in Madagascar in 2010 but at the same time expressed its worry about the effects if the EU were to suspend aid (which it also eventually did):

It is obvious, moreover, that socio-economic situation will worsen should the European Union, the first economic partner of Madagascar, decide to suspend its aid, which stands at around Euros 630 million, especially in view of the fact that official development assistance accounts for 75 per cent of the investment budget of the State of Madagascar (Peace and Security Council of the African Union, 2010a).

From the EU's perspective, Art. 96 measures are *not* sanctions and they are legally separate (Portela 2010, p. 126, see also chapter 1 on countermeasures; cf. Arts & Dickson, 2004, p. 27). The fact that they are not called sanctions does not hinder that they are similar to sanctions, and it does not ease negative side effects, which are similar to those caused by comprehensive sanctions. It might, however, be necessary for the EU to keep these sets of measures terminologically separate in order not to lose credibility as a loyal advocate of targeted sanctions. Yet, this separation has not been successfully communicated to the AU. Although the EU considers them to be contractual countermeasures, in the AU's opinion, Art. 96 measures are to all effects sanctions. Furthermore, the fact that Art. 96 suspensions have on occasion (Zimbabwe, Guinea) been imposed together with CFSP sanctions may have added to the confusion (Portela, 2010, p. 139).

The fluid border between CFSP and Art. 96 measures in the eyes of the AU needs to be kept in mind in order to understand a fundamental ambiguity that exists in the AU attitude towards the EU's use of sanctions. On the one hand, the AU itself supports *targeted* sanctions, but on the other it remains attracted to the strength of comprehensive sanctions. The AU, like most other international actors, has taken lessons from the UN sanctions against Iraq, which were seen to have been "not useful and with high humanitarian costs" (interview, 2010-12-11). Interviewee D at the AU PSC expressed: "targeting is about trying to be smarter, to target the very people responsible", to "move away from the danger and blindness of comprehensive sanctions" (interview, 2010-12-20).

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following objectives: sustainable development, poverty reduction, and coordinating the implementation of the Cotonou Agreement (aka the ACP-EC Partnership Agreement) (Secretariat ACP, 2011).

Most of the central officials at the AU Commission that were interviewed saw no downside to targeted sanctions. One central official at the Department of Legal Affairs has reflected on the topic and sees “both good and bad” in targeting. He/she especially warns against attributing excessive individual responsibility, since “not everyone is responsible” (interview, 2010-12-17). While interviewee D finds the idea to be good in principle –an analogy with individual responsibility under criminal law is made – he/she fears not only the possibility that derivatives of the principle will be created but also randomness in targeting. Thus, in interviewee D’s opinion, unlucky targeting exists, such as when six personalities were picked out like in a “football match”: three from the government side and three from the opposition (interview, 2010-12-17).

Interviewee E, a policy analyst with expertise on AU sanctions, calls UN targeting of individuals “flawed”, and points out that some of the people that have been listed have never even existed (interview, 2010-12-21). However, he/she finds that the targeted groups in Africa have “so far been visible”, which make targeting less complicated in an African context (interview, 2010-12-21). Discrepancies in the lists of targets of the various senders of sanctions are not uncommon (Grebe, 2010). However, at least in the case of Guinea Conakry, the AU PSC committed itself to communicating the detailed measures and the list of targeted individuals to “all AU partners, including the European Union” [...], “in order to give them a universal character” (Peace and Security Council of the African Union, 2009b).

When the AU Assembly calls for EU sanctions against Zimbabwe to be lifted in order “to ease the economic and humanitarian situation in the country”, it implicitly calls into question whether the sanctions are truly targeted (African Union, 2009b). This is also the standard criticism in the Zimbabwean discourse on sanctions. In this discourse, targeted sanctions is “a euphemistic term that the West has always used in reference to the illegal sanctions” (Six Envoys Present Credentials to President, 2011). The regime-loyal newspaper *the Herald* on a daily basis spreads the message that sanctions are not targeted but hit ordinary people and businesses and are to blame for most economic and political problems in the country. This message is built up with testimonies from a wide range of individuals, where ‘ordinariness’ and ‘expertise’ stand out as selection criteria. On 9 March 2011, *The Herald* wrote (Ethical significance of anti-sanctions petition, 2011):



Not even one person among those officially listed on the sanctions list has starved, has been unemployed, or has died of cholera. All this has befallen the ordinary civilian, the ordinary villager, the innocent citizen and the ruin is not rocket science at all.

*The Herald* publishes testimonies of “a dairy farmer from Esigodini”, “an ordinary worker in Dallas”, “a representative of resettled farmers”, and “members of the white community” to support this claim (Whites Add Voice to Anti-Sanctions Lobby, 2011). Similar concerns are also expressed in South African media, where one editorial stated that “[s]anctions did make poor South Africans poorer, and the same is true in Zimbabwe, despite their ‘targeted’ nature” (Is it time to ease up on Mugabe?, 2010).

It is interesting to note that, despite the criticism voiced above with regard to the Zimbabwean case, the AU holds the capacity and strength of the EU’s sanctions policy in high esteem. References to the EU as stronger than the AU when it comes to sanctions reoccur throughout the interviews with the centrally placed AU officials. Being ‘stronger’ is taken to mean more hurtful, capable of greater material impact. “The AU is weak, the EU is stronger”, interviewee A at the AU Peace & Security Council bluntly states, in reference to the EU’s importance in financial aid, trade, and investments (2010-12-11). EU sanctions make people “stop drinking and eating”, whereas AU sanctions are only “sanctions on paper” (2010-12-11). According to interviewee D, EU sanctions have “much more impact, are stronger, bring about more results”, but this is also because “the population will suffer from it” (interview 2010-12-17). These voiced opinions would seem to have been directed at a discourse on comprehensive rather than targeted sanctions, but the interviewee adds that freezing assets of leaders has also shown good results (2010-12-17). That EU sanctions continue to be perceived as both targeted and comprehensive is tied to the association that Art. 96 measures are sanctions. Interviewee A conceives of Art. 96 measures as “hybrid sanctions”, which “hit the local population” (interview, 2010-12-11). However, EU diplomats also reason in terms of pain and speak of trade sanctions, in spite of the targeted sanctions norm:

The AU has no stick financially. The EU has the stick. Their measures do not hurt in the same way. (interview, 2010-12-07)

The AU is likely not imposing trade but political sanctions against [the] Ivory Coast, which makes real impact less probable. (interview, 2010-12-06)

Similarly, AU interviewee A also emphasised the importance of increased intra-African business, which would enable the AU to have “more power also to impose sanctions” (interview, 2010-12-11).<sup>189</sup> To conclude, the EU is perceived by the AU to be a more capable, tougher, and sophisticated actor, which uses both targeted and comprehensive sanctions. This tells us that the AU is of the impression that EU sanctions have considerable effects. However, it does not tell us that the AU believes that the EU uses sanctions as a means of achieving these effects. The next section moves on to discuss AU comments that connect EU sanctions with the aim to change the target. In this section, we will also see that the AU, in contrast to the EU, understands itself to have trouble actually causing (material) harm, but its logic of action is much more clearly linked to changing the target.

### **From Crude Effects to Target Change**

Interviewee A at the AU PSC echoes the “naïve sanctions theory” when he talks of how the impact EU sanctions has on “education, health and drugs” may eventually lead to “popular revolts” (interview, 2010-12-11). Another central AU official speaks of EU sanctions as stronger economic sanctions, and states: “Once a regime is suffocated, it has to find other ways of doing things” (interviewee D, 2010-12-17). Interviewee B at the AU Legal Department thinks that the EU and the AU fundamentally have the same “general objective”: “compliance with principles, norms and standards” (2010-12-16). According to him/her, the AU’s objective is to bring about a “return to constitutional order”, whereas the EU uses sanctions in a “wider framework” for “governance and human rights” (2010-12-16).

An editorial in the South African newspaper *Business Day* (Is it time to ease up on Mugabe?, 2010) also favours the prospect that sanctions can lead to target change. The article makes an analogy with how sanctions were effective against apartheid and argues that we should not underestimate their persuasive power:

The Nats didn't enjoy being treated as the polecats of the world, and there is no doubt that Mr Mugabe and his cronies are deeply irritated by the travel, study and transactional restrictions they now have to contend with.

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<sup>189</sup> Indeed, intra-African trade is around a modest 10% of all African trade, and has not evolved much since the mid-1990s (Verdier T. , 2010, p. 24).

Thus, *Business Day* makes the classical connection between infliction of pain, or punishment, and successful persuasion. These statements testify to the belief that sanctions can have an independent effect on the target in terms of inciting target change. Other commentators think that sanctions are usually not sufficient to bring about target change, but still believe that they can contribute towards this goal by weakening the target. This would amount to using sanctions as a threshold to further action, as discussed by Clawson (1993, pp. 35-36). A prominent official at the AU PSC believes that sanctions had weakened Iraq before military action was taken in such a way that eventually helped make regime change possible (interview, 2010-12-20). In the same way, he/she is convinced that sanctions are currently weakening Iran, which would be important in the event that military action were to occur (2010-12-20).

The dominant perception, however, is that changing targets is the objective, but that this objective is rarely met, although sanctions inflict harm on the ground. Media comments on the recently concluded case of EU sanctions against Côte d'Ivoire illustrate this point of view. In *The Nation*, Mutiga Murithi called EU sanctions against Côte d'Ivoire a "classic illustration of the dynamics of Africa's relations with the West more than five decades after independence" (2011a). In December 2010, a month after international observers had judged Alassane Ouattara the winner of internally contested elections the EU imposed targeted sanctions against incumbent President Laurent Gbagbo and his closest circle. In January 2011, a ban on cocoa exports was added. While these were presented as targeted sanctions, they were reported to have considerable effects on the Ivorian economy.

Chege Mbitiru (2011) commented in *The Nation* that "[a]lready, due to sanctions imposed by various countries and organizations, Gbagbo can't boast of an economy". However, an editorial in the same newspaper expressed doubt of the effectiveness of sanctions (Call Gbagbo's Bluff [editorial], 2010):

Major international organisations, including the African Union, the UN, the European Union and individual countries like the US and France have told him to go home. He won't budge.

This quandary is not going to be resolved through effete [sic!] travel sanctions imposed by the US and other powers.

In other words, the Kenyan commentators judged that sanctions had considerable impact, yet predicted that they would not force Gbagbo to give up his power. John

Momoh (2011) at the Freetown-based newspaper *Concord Times* also expressed his frustration:

What has been the outcome of all the sanctions, threats and pressure mounted to discourage [sic!] Gbagbo to give up power so as to avoid the risks of an all out international community backed-devastating war to install Ouattara in the presidential palace and his cabinet ministers in government offices to perform their day to day administrative functions? [...]

It is also very likely that no matter what sanctions are imposed to force Gbagbo out of power, its biting effects can also be equally felt by the ordinary people and the overall development of the country.

The journalist not only questions whether sanctions have had a meaningful outcome, but also worries about how the measures hit the more general population.

Other comments dismiss sanctions as being outright ineffective in this respect, but do not specify whether the reason is poor implementation, failing to inflict harm, or that the final mechanism supposed to provoke change simply does not exist. African and international media reported Guirieoulou – Gbagbo’s interior minister – to have said that the sanctions “make us smile” (Ohia, 2010). This is a typical declaration from an early stage target that wishes to trivialise sanctions and imply that it will not bend to such pressure.

Also less partisan observers doubt the power of sanctions to make targets change. *Daily News Egypt* commented on EU sanctions against Gbagbo stating that “[s]anctions, though, have typically failed to reverse illegal power grabs in Africa in the past” (Mission will fulfill Ivory Coast mandate, says UN chief, 2010). Kenyan Prime Minister Raila Odinga stated that the AU was against a power-sharing solution after the Zimbabwean example and was worried that it might set a negative precedent for upcoming African elections. The newspaper reports that Odinga supports sanctions even though he finds that “sanctions alone had not worked to restore faith in democracy and the ballot in the countries where they had been applied” (Tuesday Raila Gears Up for Abidjan Return, 2011).

In the end, Gbagbo was forced from power in April 2011 not through the pressure of sanctions, but after being arrested by Ouattara’s forces (Gabbatt, 2011); some argue that this was possible only with the support of French special forces (Stein G. , 2011). Whether or not sanctions effectively led to the success of this operation by

weakening Gbagbo prior to the action remains to be settled. In any case, directly following Mr Gbagbo's forced removal from power, the EU lifted the cocoa ban as well as sanctions against Ivorian ports, upon Ouattara's request. Here the relevant change in target, directly causal to the lifting of sanctions, was that Gbagbo was forced to step down from power.

Doubts as to whether or not sanctions are able to force the target to change are not limited to the Ivorian case. Sanctions brought against Zimbabwe is another prominent case. EU sanctions have been in place without respite since 2002, which already suggests that, in the eyes of the sender, the target has not moved (enough) away from the original norm violation.<sup>190</sup>

Interviewee D at the AU discusses the contentious case of EU sanctions against Zimbabwe in terms of effect, stating that while the AU is "working for lifting" sanctions, the "EU judges that progress has not been enough" (2010-12-20). The prime target himself – President Mugabe (2010) – also argues as if the EU's use of sanctions were motivated by outward effect-seeking:

Genuine democratic governance cannot and will not be a product of processes engendered by outsiders for Africans on the basis of values outsiders seek to inculcate.

It can only be a product of the internal process of development in a country.

As you can see, Mugabe contests that outsiders – the EU – wish to *change* Zimbabwe by seeking to inculcate values. Zanu-PF politburo member and Mugabe spin doctor, Jonathan Moyo, likewise argues that "[t]he sanctions are targeted against people in the vain hope of making them angry against their own history, against their own liberation legacy and against their own government" (United States Further Extends Illegal Sanctions, 2011). Moyo considers the purpose of sanctions to be target change through public revolt against the government, and he considers this hope to be in "vain". *The Herald* refers to Austrian professor Hans Kochler's sanctions scepticism, claiming that "Kochler stands vigorously opposed to the idea of powerful countries using economic sanctions to push people into rebelling against their own governments. People have a dignity that does not allow them to be abused as political tools" (Ethical significance of anti-sanctions petition, 2011). Here the newspaper seeks to boost its case by adding

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<sup>190</sup> At the time the thesis was written, the EU was in the process of lifting most of its sanctions against Zimbabwe, as a reward for the government's management of the country's economic crisis.

academic weight to it. It also refers to how “[t]he economic sanctions theory maintains that economic pressure on civilians will translate into pressure on the Government for change”, but observes that “the targeted leaders [...] have in many cases managed to continue pursuing their policies and to continue in power”.

Less fiery criticism is expressed in non-Zimbabwean African newspapers. The South African *Cape Times* reported that “[the SADC was also appealing to world leaders to lift sanctions as “they are not helping the situation in Zimbabwe” (Mbanjwa, 2010). The Kenyan newspaper *The Nation* found that while EU sanctions against Zimbabwe “were put in place to encourage democratic reforms and put a stop to alleged human rights violations” they are, instead, “one of the biggest threats to Zimbabwe's unity government as they continue to drive a wedge between the parties in the shaky coalition” (Nyathi, 2010b). The South African *Sunday Times* in a similar vein made reference to critics of EU sanctions that were asking “why the *grouping* continues to maintain measures that are clearly not working, save for being used as a convenience for avoiding implementing agreed positions in the GPA by Mugabe and his party” (emphasis added)” (Kwidini, 2011). Indeed, after the power-sharing agreement (GPA) between President Mugabe and Prime Minister Tsvangirai was initiated, sanctions have become as much of an argumentative weapon for internal politics as between senders and target. All one has to do is consult any Zimbabwean newspaper for this to be clear.

The late Ethiopian Prime Minister Meles Zenawi’s (2008) criticism of threatened sanctions against Kenya is another example where the objective to change the target is the perceived (and refuted) logic of action:

The threat of western sanctions as a response to the current crisis in Kenya is very, very misguided,” Meles said. “If it is presumed that the Kenyans will democratise in order to eat the peanuts of development assistance from the European Union, for example, it would be a big mistake.” [...]

What it does do is give the impression that Africans democratise in response to development assistance and all you have to do is close the taps and they will sit up and behave like proper schoolchildren. That is very unfortunate and quite demeaning.

Finally, negative sanctions work through the intercommunion that exists between positive and negative incentives, which is created as the policy regime evolves over time and sanctions episodes replace one after the other. The sender may lose the initiative

to master this interplay, as a bold target can try to turn the logic over and say: “We will only change if you *first* lift sanctions”. If the target manages to package this message skilfully, in combination with other favourable factors sanctions may indeed be lifted. Former External Relations Commissioner Ferrero Waldner was quoted in *the Independent* to have justified suspending EU sanctions against Uzbekistan as “the best way to influence the regime for the better” (Leading article: A betrayal of principle, 2007). South African *Business Day* attempts to apply this logic to Zimbabwe by asking, “whether the continued implementation of sanctions can help overcome this impasse, or whether they have achieved as much as they can and have now become a hindrance to further change” (Is it time to ease up on Mugabe?, 2010).

To conclude, according to the dominant perception, EU sanctions are used to make targets change. However, the perception is often that this attempted coercion is illegitimate and will not work at any rate. Only a few AU observers see EU sanctions as norm promotion.

When we turn to the AU’s self-understanding of sanctions, several significant differences emerge. In spite of the complaints regarding capacity discussed above, AU officials are rather pleased with the effectiveness of AU sanctions, which are judged to “have forced regimes to take measures” (interview, 2010-12-11). Guinea Conakry (2010-2011) is mentioned as one success story, where “credible elections” have been organised and sanctions were eventually lifted (interview, 2010-12-17). This is also one case where cooperation between the EU and the AU is considered to have worked well (interview, 2010-12-20).

The AU’s use of sanctions can be seen as a tool for dealing with concrete cases, as well as an attempt to set standards at the continental level. A country that has been suspended from the AU is considered to be a pariah, and this is already seen to weaken the target (interview, 2010-12-20). Interviewee C hoped that in the long-run leaders will “learn a lesson” from sanctions imposed against *others* (2010-12-17). At present, he/she argues, that the actor that has not yet been subject to sanctions is likely to start out poorly, but once the “bad experience” has been felt, he/she predicts that the reaction will be positive (2010-12-17). The difficulty in solving the stalemate in Côte d’Ivoire is seen to have been caused by the insufficient “pedagogic effect” of sanctions (2010-12-17).

In the AU's self-understanding, the use of sanctions is very clearly connected to a goal of changing the target, much more so than in either AU perceptions of the EU or in the EU's self-understanding (see chapter 3). It seems to me that this is possible because of two factors: the normative basis for the AU's use of sanctions is much narrower, and the normative basis is conservative rather than reformist in character.

Because sanctions are exclusively reactions to unconstitutional changes of government, the purpose of sanctions is articulated as the restoration of constitutional order, and the individuals targeted should in consequence be "those whose actions constitute[...] obstacles to the process of return to constitutional order", or differently put "all individuals and entities, action of which contributes to the maintenance of the unconstitutional [alt. 'illegal'] status quo" (Peace and Security Council of the African Union, 2010d; 2009c; 2010c).

That the purpose is uncontested obviously does not mean that the desired effect will actually be achieved. More importantly, it can be challenging even to determine what a return to constitutional order would look like in political systems that do not have a long experience of well-functioning institutions. As a minimalistic criterion of 'return to constitutional order' it seems reasonable to lift sanctions only after democratic elections have been held and respected. Yet, in practice, in the case of Mauritania only the promise of holding 'free and fair' elections was enough for sanctions to be lifted.<sup>191</sup>

The AU stands for the "total rejection of unconstitutional changes of Government", or differently put, "zero tolerance" for coups d'Etat (African Union, 2009d; Peace and Security Council of the African Union, 2010d). However, it is not always crystal clear what is a coup and what is a counter coup or a legitimate uprising. The quest for automatic answers to highly complex political circumstances runs the risk of becoming a potential trap for AU sanctions policy. This is not only due to the issues of interpretation, but also because of some problematic premises that underpin the sanctions doctrine.

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<sup>191</sup> However, the PSC keeps the door open for reinstating sanctions if it is proven to be necessary (Peace and Security Council of the African Union, 2009d). The EU waited almost another year before resuming full cooperation with Mauritania and lifting the aid suspension measures that had been taken under Art. 96 Cotonou (European Commission, 2010).



More specifically, AU sanctions target unconstitutional changes of government as sources of instability and promote a gradual process of democratization within established systems (Peace and Security Council of the African Union, 2009e, p. 19). Moreover, the AU is ready to “take all necessary measures, including the condemnation of, and imposition of sanctions against any African country that would encourage, support or host armed groups whose objective is to destabilize another state” (African Union, 2009d). Thus, not only the AU itself, but also its Member States are prohibited from challenging existing regimes. It has been more common for African regimes to join forces in the common aim of maintaining power than for regimes to “assist people of another state to get rid of an oppressive regime” (Baimu & Sturman, 2003, p. 43).

Together, these aspects hold the key to understanding why changing ‘the other’ is less controversial for the AU than for the EU. In the case of African sanctions, ‘the other’ is usually a newcomer and not an old acquaintance from AU Summits and other forums for cooperation. In one sense, AU sanctions do not intervene in the domestic affairs of stable states – even if their turnovers of government are by no means democratic (cf. Magliveras & Naldi, 2002, p. 418). Intervention only takes place in reaction to *change*, and it is only in the case of an evident refusal to step down after an election has been judged ‘democratic’ that an African leader has to worry about AU sanctions. A striking example of the AU’s prioritisation of political stability is the absence of a strong reaction against the brutal repression of protestors in Egypt, Tunisia, and Libya in the spring of 2011.<sup>192</sup>

At the same time it would be overly cynical to fully dismiss the “commitment on the part of the member states to jettison the culture of unconstitutional changes of government” as a sham (Peace and Security Council of the African Union, 2009e). The AU has a progressive spirit and these political judgements are genuinely difficult. As it stands today, however, the regulation on unconstitutional changes of government contains loopholes that can be exploited by forces working against this spirit.

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<sup>192</sup> All AU countries supported the imposition of sanctions against Libya through the UNSC Resolution 1970, but the organisation did not impose any of its own sanctions. EU sanctions go beyond the AU sanctions. The three African non-permanent members of the UNSC (Gabon, Nigeria, and South Africa) all voted for Resolution 1973, which imposed the no-flight zone against the regime (United Nations Security Council, 2011). Washington based consultant Mobhare Matinyi commented in *The Citizen* (Dar es Salaam) that the AU was left at the platform as the real diplomatic train passed, leaving it standing in an unfortunate “middle ground”: “No single African country had the guts to defend Col Gaddafi. No African country came out to condemn Col Gaddafi’s violent repression of civilian protesters” (Matinyi, 2011).

The African Charter on Democracy and Elections seeks to hinder the recycling of coup-makers in new elections (African Union, 2007). Thus, the entry into force of the Charter (15 February 2012) has the potential to considerably sharpen the AU sanctions regime. However, for it to also promote democracy goals, conditions must be in place in which politicians with clean hands may rise to power.

To conclude, the AU's normative commitment to democratic norms and values through its use of sanctions is not unambiguous. The regulation is clear and quite radical, and the logic of action definitely prioritises changing the target. Yet, in practice the imposition, implementation, maintenance, and lifting of sanctions all build on political judgments that might serve to conserve rather than challenge established practices.

### **Doing Something, Punishment or Hypocrisy?**

To find out whether the EU is perceived as using sanctions for reasons that are endogenous to itself, we need to look into the ascribed characteristics of the use of sanctions that are decoupled from whether the target changes or not. Such characteristics can be divided into three categories: doing something, which normally carries a positive connotation; punishment, which can be considered either good or bad; and finally hypocrisy, which by definition amounts to an allegation.

A number of articles in African newspapers express appreciation for the fact that the EU is 'doing something' through its use of sanctions. *The Namibian* was pleased that "[a]t least the European Union (EU) has taken some steps against Gbagbo, only this week slapping sanctions on six more Ivorians, including West Africa's former central bank governor, and two national banks on Wednesday, because of ties to outcast leader Laurent Gbagbo" (No 'African Solution' to African Problems [column], 2011). Mazwai (2011) also takes note of EU sanctions against Gaddafi and Gbagbo as examples of 'doing something', whereas the AU is condemned for its inaction:

As these horrific events unfolded, with full-blown civil wars looming in the two countries, an aghast United Nations and European Union announced sanctions and warned Gaddafi and Gbagbo they are committing crimes against humanity.

Not our African Union (AU), which has behaved as if nothing is happening. We have not seen an emergency session or an AU stand in support of German Chancellor Angela Merkel, US President Barack Obama, British Prime Minister

David Cameron or French President Nicolas Sarkozy as they denounce Gaddafi and call for action. Should the AU not be leading the charge and getting other world leaders to support action it is taking, instead of mollicoddling Gaddafi and Gbagbo?

## **Punishment**

The actor who solely seeks to inflict pain on the ground with its sanctions is satisfied with punishment just for the sake of punishment. And punishment for punishment's sake requires for pain to be inflicted but it does not necessarily mean that there will be target change. AU officials speak of their own sanctions and EU sanctions as forms of punishment. Interviewee A mentions the sanctions against non-paying Member States and sanctions against unconstitutional changes of government as a form of AU punishment. South African newspaper *Cape Times* wrote about EU sanctions against Burma (End junta indulgence, 2009) and Guinea (The European Union was preparing [...], 2009) as a form of punishment, as did the *Sunday Times* (Kwenda, 2010) on EU sanctions against Zimbabwe. Generally speaking, particularly when EU sanctions are perceived to inflict harm on the populations of targeted countries, the measures are equated to punishment. Consider Zimbabwean Ambassador Chimonyo, in *The Herald* (East Africa; 'Exploit Trade Opportunities in East Africa', 2011):

The so-called targeted sanctions are not targeted; they are affecting ordinary Zimbabweans, children, the sick and the disabled. They were imposed to destroy and cause more harm than good. Where is the morality of the European Union? Sanctions are inhuman because we have people who have died because of the sanctions.

## **Hypocrisy**

The harshest criticism against EU sanctions aims at the EU's lacking credibility as a moral watch-guard. It draws on three important sub-notions: double standards, false pretexts, and unfairness. The double standards, false pretext, and unfairness arguments are all directed at a perceived gap between the articulated motives for why sanctions are imposed and what is truly going on. Ultimately, this gap is taken to signify that the EU's use of sanctions is hypocritical; i.e. that it is deceptive and, by implication, that the EU is not what it claims to be. Double standards – i.e. the unprincipled selection of sanctions cases – are understood to be indicators of hypocrisy since they signal – it is

argued – the priority of real interests over pretended values. Likewise, the EU's own normative shortcomings are taken to indicate that its external emphasis on norms is pretence. The EU's failure to follow the golden rule – i.e. the lack of reciprocity between the demands they make on the self and on the other – as well as the harm that is imposed on innocents, make EU sanctions unfair.

Within the context of this thesis, accusations of hypocrisy are often based on an historical argument about the wrongdoings of European countries during colonialism. Who is Europe, with its brutal history, to condemn the difficulties of developing countries, difficulties that it has contributed to creating? History continues to be a virtual minefield, far from the idyllic "shared cultural and social heritage" depicted in the EU-Africa Strategy (Strategy III 9d, p. 3). Consider these examples:

In Africa, our history of struggles for freedom from colonialism are well known, as are the brutalities that were perpetrated against Africans.

Europeans, therefore, cannot take a moral high ground and develop amnesia when it comes to the brutalities that Africans suffered in the colonial period. (Mugabe, 2010)

The Europe of colonialism, slavery and genocide has no claim to moral leadership in this world. The Europe that backed the Mubarak dictatorship for thirty years and the Ben Ali dictatorship for 23 years has no claim to moral leadership in this world. The Europe that helped to smash Iraq in the invasion of 2003 has no claim to moral leadership in this world. The Europe that refused to allow the Haitian people to elect a leadership of its choosing by supporting a coup against that leadership in 2004 has no claim to moral leadership in this world. The Europe that has been directly responsible for the documented deaths of almost 14,000 migrants since 1993 has no claim to moral leadership in this world. (Pithouse, 2011b)

The regime-loyal Zimbabwean journal *The Herald* reports on a meeting between U.K. Ambassador and, among others, former Zimbabwean Ambassador to China, Chris Mutsvangwa (Sanctions Slinging Match, 2011):

Soon after the ambassador had sat down, former Zimbabwean Ambassador to China, Chris Mutsvangwa stood up to say the Union Jack was lowered in 1980 and as such Britain should not be concerned about the operations of Zimbabwean companies.

"Zimbabwe has never attempted to look into the operations of companies operating in Britain. So, why should you be interested in our companies?"

Mr Masimirembwa said the attitude exhibited by Ambassador Canning was unfortunate, as typical duplicity of Western leadership.

"Please do not come here and teach us your stupid lessons," he said, adding that the West was good at playing double standards.

As shown by the quotes, the EU is perceived as a hypocrite due to the historical legacy for which European countries were oppressors. Mugabe draws a direct line, as we can see from the word "therefore", between the historical brutalities and what he says is the ridiculousness of the EU to take "high moral ground". Pithouse mentions a number of non-flattering European actions in recent and in more distant years, to establish that the EU "has no claim to moral leadership". And it is enough for *The Herald* to refer to the Union Jack for everyone to understand that the newspaper is referring to the British oppressive colonial rule.

Double standards concern a skewed application of sanctions that cannot be explained from a principled point of view (see chapter 3). Different measurements are used for similar cases. The late Ethiopian Prime Minister Meles Zenawi acknowledges that Zimbabwe has "challenges", but "it is a bit of a stretch to say it is less democratic than some of the sheikhdoms of the Gulf". Yet, Meles reasons, "none of the sheikhdoms has a problem visiting Europe" (Zenawi, 2008). Likewise, sanctions target, Mugabe, attacks the EU for double standards in a speech at the EU-Africa Summit in November 2010:

We in Zimbabwe have learnt the hard way that notions of democracy, human rights and rule of law have no universal meaning for Europeans, but are conveniently invoked against small states which dare challenge their global interests on our soils.

[...]

For true and successful dialogue to occur in areas of governance and democracy, the EU should do away with double standards and selective application of these principles. It is generally accepted that Africans do not observe elections in Europe and do not make pronouncements on the conduct of such polls, and yet it is assumed that Europeans have the inalienable right to observe and endorse the outcome of elections on the African continent.

As is suggested by Mugabe's statement, double standards are often seen as evidence that the EU uses false pretexts for its use of sanctions. The EU is hypocritical because it states certain reasons for action – both in terms of what norm violation it reacts to and what it hopes to achieve – but these are smokescreens for the real reasons behind the policy. Usually, these arguments make accusations that the EU hides a self-interested realpolitik agenda behind a veil of normative talk. Hence, late Prime Minister Meles Zenawi criticises countries that “pretend their foreign policy is based on democratisation when this is clearly not the case” (Zenawi, 2008). He refers here to Europe's sanctions against Zimbabwe. The following opinion piece from *The Nation* (Mutiga, How America And Europe's Sweet Teeth [...], 2011a) shows that the reverse of this reasoning may also occur, for which interests can prevent the EU from imposing sanctions:

Why won't the West slap a total ban on the country's exports and hasten the fall of the Gbagbo regime?

The answer is to be found in a separate Al Jazeera report that said chocolate manufacturers in the United States and the European Union have been lobbying hard to prevent a total trade freeze on Cote d'Ivoire, obviously because that would rob them of a key source of raw materials. [...] Africa is still a place that matters to the rest of the world purely because it has essential raw materials.

If sanctions are used under false pretext, they are often also seen as being “unfair” (interview 2010-12-11, 2010-12-16, 2010-12-17). Moreover, the unfairness argument is built upon historical references. One high AU official thought that sanctions against Zimbabwe evoked a “difficult debate about human rights”, and he/she recognised that

there had been “certain bad practices”. Yet, he/she wished to underline that the “background is important”, and that Mugabe deserves a “certain respect” for having fought for liberty against racial discrimination and has contributed to the “liberation of the continent”: “He took the Zimbabweans out of colonial oppression. We cannot throw him to the abattoir of an external power” (interview, 2010-12-17). According to this last line of the argument, in all fairness Mugabe should be judged on his historical legacy and not only on more recent events.

Mugabe himself uses a combination of historical and legal arguments to challenge the normative basis on which sanctions have been imposed on his country:

Having gone through a *history of oppression and injustice* that drew Africa back in terms of its development and in evolving democratic institutions, Africans know only too well the value of respect for human rights and tolerance. Besides, Africa is also a signatory to the *major international conventions* on human rights and as such no one can preach to it about its obligations on the subject.

This attempt to seek justification with reference to international conventions is unusually blunt, but Mr Mugabe is not alone in using references to law as a rhetorical device. As Goldsmith and Posner (2005, pp. 167-184) have argued, it is common practice in international relations that actors “discredit” each other by making accusations that international law has not been respected. This is even more evident when it comes to sanctions, the legality of which is questioned almost as a rule by targets.

The unfairness argument can also stem from conflicting conceptions of the alleged norm violation of the target. This is clearly the case for Zimbabwe. While the EU frames that its sanctions against Zimbabwe regard democracy and human rights violations, primarily in connection to flawed elections, African critical voices present the EU sanctions as an unjust response to Zimbabwean land reform:

The basic issue is that English white farmers had more land than they needed, and they refused the chance to subdivide. [...] The government does not care about the economy or the standard of living, it has a bad record. But for the land issue Zimbabwe has the high moral ground. [...] It's immoral! [the sanctions policy] Africans never understood what they were trying to achieve protecting white farmers. [...] The longer the EU sanctions against Zimbabwe are in place, the more negative the attitude towards Europe in Africa will be. (interview, 2010-12-20)

Thus, the fairness of land reform as a way of dealing with a quasi-monopoly of “white British farmers” explains the alleged unfairness of EU sanctions. Land reform is fair and it is therefore unfair to punish Zimbabwe for it. To add to this claim, one AU official stated that “Zimbabwe is supported from all over Africa”, “not like Côte d’Ivoire” (2010-12-11). He/she thought that South Africa “might develop in the direction of Zimbabwe”, since the “whites still own 90% of the land”, locked in big farms. Hence, the alleged unanimous African support for Zimbabwe would be “a message to South Africa”. The interviewee also reasoned that Zimbabwe “can survive sanctions” because of how strongly its economy is linked to (supportive) neighbours (2010-12-11). In other words, regional support is pointed out as a central factor in Zimbabwe’s ability to resist the effects of the sanctions.

It is correct that most African leaders want sanctions against Zimbabwe to be lifted, with Zuma in South Africa taking the lead. Botswana’s President Ian Khama has long been an exceptional critical voice of Mugabe, but in October 2010 he joined calls for sanctions to be lifted (Mbanjwa, 2010). However, in contrast to some of his fellow African Presidents, Khama argued for lifting sanctions on pragmatic rather than principled grounds, stating that “We strongly feel that the sanctions are a hindrance ... as the political and economic situation is improving” and he maintained: “I was proven right to some point that the sanctions that were put in place (against Zimbabwe) were correct in my view” (Langeni, 2010).

Beyond the regime-controlled Zimbabwean media, the opinion on Mugabe is divided in Africa as in Zimbabwe itself. Columnist ‘Muckracker’ (2011) in *Zimbabwe Independent* wrote:

“Sanctions are illegal, undeserved and spiteful,” Zanu PF says.

Doesn't that sound a bit like land reform? Zanu PF describes sanctions as “racist”.

Let's not forget that it was the SADC Tribunal, which commands a good deal more respect than Zanu PF, that described land reform Zanu PF-style as “racist”. [...]

Every other ill bedevilling the nation is now being attributed to sanctions. At this rate we might see the erratic rainfall, old age and global warming being attributed to the sanctions.

The AU takes a via media by not mentioning the normative basis behind EU sanctions against Zimbabwe at all. Instead, it simply makes “urgent appeal[s] for sanctions to be lifted”. The focus is on how sanctions make the people suffer as well as how they create



trouble for the Global Political Agreement (GPA)<sup>193</sup> and for the “country’s socio-economic recovery”.

In conclusion, in this section we saw the EU being attributed the role of the hypocrite. When Mugabe attacks the EU claiming that it cannot take the “moral high ground”, it is a criticism of the EU’s identity. The issue of whether or not the EU actually seeks to change things in Zimbabwe, or whether it has another purpose, becomes sidestepped in this way. In other words, the EU is not perceived to be using sanctions *in order to* create itself as an actor, but rather it is criticised for being an outsider imposing sanctions.

### **Internal and External in Sanctions**

All in all, the double standard, unfairness and false pretext arguments when placed together evoke the fundamental distinction that exists between that which is internal and that which is external when it comes to sanctions. Consider late Ethiopian Prime Minister Zenawi (2008) on democracy promotion:

Naturally some countries do not even try to democratise and they deserve to be criticised. But those that are trying should be criticised on their own criteria, not that of outsiders. When the criticism becomes judgmental, it begins to affect relations.

It should be remembered that the line that lies between what is considered internal and external is not objective, but created by institutions and people, and therefore changes over time. In authoritarian regimes such as many of those discussed in this chapter, including Ethiopia and Zimbabwe, the legitimate “inside” as is articulated in official discourse may be delimited to the core of loyal party supporters. This is clear in the polarised politics of Zimbabwe, where the regime-faithful media tends to treat the opposition (MDC) as not representing a valid national standpoint. We can only counterfactually speculate about whether AU sanctions against Zimbabwe would have been granted any legitimacy in the country. The resonance of pan-African ideas may not be strong enough for AU sanctions to be seen as emanating from a legitimate normative authority. Yet, in comparison to sanctions imposed by non-African senders, targets may perceive AU sanctions as being less invasive. The connection between changing the target and constructing the self is much more central to the AU than the EU, since it uses sanctions

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<sup>193</sup> The GPA is the agreement for the cohabitation between President Mugabe and Prime-Minister Tsvangirai.

against its own members, whereas the EU uses sanctions as foreign policy tools. For sanctions to have identity formation purposes within a regional context an actor needs to – sooner or later – show that it can make targets change. For an external sanctioner working in a foreign policy context, on the other hand, it may simply be enough to show domestic and international audiences that it is “doing something”.

AU officials feel that sanctioning in the African context has the potential to work since the states do not want to “feel outside of the African society” (interview, 2010-12-17). The threat of sanctions is a threat not only of punishment, but also of isolation (Peace and Security Council of the African Union, 2010d; 2009e; 2008a; 2008c). If the AU can have “the most advanced response to unconstitutional changes of government”, and a “firmer doctrine on unconstitutional changes of government than the EU” (interview, 2010-12-07), this is largely due to the fact that the universe of applicable cases is strictly delimited to the African continent. Robert Mugabe and his rule over Zimbabwe is defended on the basis that he is part of the African ‘family’, and the EU is criticised on the basis that it is an outsider.

One interviewee at the EU delegation pointed out that AU sanctions are about putting a country/leadership in the “sick-room” and then “bring[ing] them back” (interview, 2010-12-07 a): “it is a moral thing” where “peer pressure” is working (interview, 2010-12-07ab). The AU’s use of sanctions is seen as “norm setting on moral grounds”, for which the “concept of inclusion and dialogue” is crucial (interview, EU del, 2010-12-06).

This point is strengthened by the simple fact that the African Union does not have an external sanctions policy. Sanctions are exclusively imposed on its members. Moreover, the AU does not align or associate itself with the EU’s autonomous sanctions, for instance against Belarus or against Burma. ISS policy analyst Hallelulia Lulie (2010) believes that “the AU should show support and cooperate with sanctions imposed by the international community”, but this comment does not refer to non-African EU sanctions. Nothing in the interviews or the AU documentation suggests that this is even on the agenda. EU external sanctions, in the interviewees’ opinions, are “far away from us”, “there is no connection to Africa”, and even though “we follow developments in Burma and Belarus”, “I do not see how to do it” (interview 2010-12-17). Moreover, “we know that – what’s his name again [Lukashenko] – is a kind of dictator”, but “solidarity”, “universal principles and values” are for the “international

community” to uphold (2010-12-17). Therefore, the AU “works actively” within the established UN framework and supports UN sanctions worldwide rather than imposing its own external sanctions (2010-12-17; 2010-12-20). Furthermore, African media is basically silent on EU non-African sanctions cases, unless it involves the regional neighbourhood. Thus, the *Tripoli Post* reported how the EU had “adopted new unfair sanctions against another Islamic country, Iran” while “not doing the same to the Zionist state of Israel which is already in the possession of hundreds of nuclear weapons” (EU Approves New Unfair Sanctions on Iran, 2010).

Interviewee D emphasises that while EU external sanctions are “discussed in the context of political dialogue, as one point on the agenda”, “the EU did not ask the AU to follow” (2010-12-20), in other words, the EU did not ask the AU to align itself with its foreign policy. Leaders of Burma and Belarus are “free to travel to Africa”, since there is “no basis for sanctioning” these countries according to the AU stance (interview, 2010-12-16; 2010-12-20). However, the OAU’s “severing of ties” with Israel during the 1970s was also mentioned as a rare case of (informal) external sanctions (interview, 2010-12-20; 2010-12-21; see chapter 6).

To the extent that AU sanctions can be understood as an expression of identity politics, it is an identity as a continental rather than an identity as an international actor that it seeks to create. Williams (2007, p. 278) investigates the broader Peace & Security mandate of the AU and finds: “In practice, ethical and normative questions about what it means to be ‘African’ play an important role in defining what count as legitimate security challenges and the appropriate form of response.” The continent wants independence in the international arena but it does not seek to impose its beliefs and positions beyond the confines of the continent. A good illustration of this can be seen in one central AU official’s discussion of the AU as a possible ‘normative power’:

Normative power...no, it is a bit too much... It is an important question though, and we start now a debate on shared values. Values are universal and Africa shares the values as everyone else. The AU as a normative power...how? We believe in cooperation not imposition. And we believe in norms that can regulate the international sphere. The EU (she has influence), is an important pole on the international arena. And history, with Africa being colonised, shows that we have taken a lot from the Europeans on the normative level, constitutions for instance. Now the question is to implement these norms, to appropriate these norms and avoid the influence! We need to create independence on the international arena.

We do not want to be a normative power, besides we do not have the means to become a normative power. Instead we seek to cooperate to put in place universal norms, to regulate international affairs. (Interview 2010-12-17)

Interviewee D, though, is less reticent to calling the AU a normative power. “What the AU does is setting norms”, and this has been going on since the end of the OAU in the 1990s, he/she says (2010-12-20). Interviewee D is also of the opinion that the AU should be a key actor for setting norms and standards on the continent. What hinders this prospect is that its “capacity to monitor is weak if not non-existent.” (2010-12-20).

### **Habitual Sanctioning**

The recurrent comments regarding double standards and inconsistencies demonstrate that the EU’s use of sanctions is not perceived by the AU to be an institutionalised impulse. An AU official calls it a “pattern of behaviour”, in which “the AU is quick, whereas the EU is checking and delaying for months” (interview, 2010-12-11). This is also confirmed by the EU Delegation: “The EU takes lots of time to agree, the AU is quicker” (interview, EU del 2010-12-07), “EU procedures are slow but more forceful”, “the EU has a lengthy decision-making process” and even if the EU and the AU try to “align the steps, their deadlines are different”. In contrast to the AU’s perception of EU sanctions as being political and economic in nature, the interviewees at the EU delegation consider the EU sanctions to be more legal than political (interview, EU del 2010-12-06, 2010-12-07). However, within African discourses on EU sanctions, a recurrent argument is that these measures are *illegal*. Obviously, the EU officials did not comment on the *legality* of EU sanctions, but rather on the legal procedures in place to impose sanctions. In contrast, the term ‘illegal’ in the African perception, in particular in the discourse of targets, means to not be in accordance with international law and therefore to be illegitimate. To call sanctions illegal is a rhetorical device that puts the moral burden on the intervener – the EU – and calls attention away from the problems in the targeted country. However, labelling the sanctions as illegal is not directly found in AU discourse.

While a legalistic system meets 27 political wills to realise EU sanctions, the AU has chosen another institutional route. It is proud to have “automatic sanctions” (interview 2010-12-11) that have been formalised in a doctrine on unconstitutional changes of government. Formally speaking, the pillars of the doctrine are the AU’s

Constitutive Act “which expresses in no uncertain terms the categorical rejection by AU, of unconstitutional changes of government” and the Lomé Declaration, which provides a more detailed sequencing of actions in the event of an unconstitutional change of government (Peace and Security Council of the African Union, 2008c, p. 10). This makes up an unusually concrete and specific platform upon which the sanctions policy is built.

As a third pillar in the sanctions web stands the African Charter on Democracy, Elections and Governance, which was agreed upon in 2007 but entered into force as late as in February 2012 (African Union, 2012).<sup>194</sup> The charter provides a stricter policy towards unconstitutional changes, including prohibiting coupmakers from standing in elections and holding political posts, as well as opening up for ‘punitive’ economic sanctions and individuals being tried by AU jurisdictions (African Union, 2010c). The sluggish ratification of the Charter shows that electoral democracy remains controversial for many states. Nonetheless, pending ratification the AU has already pushed for junta leaders to be ‘neutral’ in organising elections and not run themselves (Peace and Security Council of the African Union, 2009g). This was possible since the AU Commission considered the Charter to constitute “a reference which can inspire future action”, already before it entered into force (Peace and Security Council of the African Union, 2008c; African Union, 2010c).

Given the size and diversity of the AU, a narrow normative basis and clearly regulated directions for action may have been the only feasible way for the AU to create a sanctions policy. Eriksson (2010) fears that “the AU will fall into political blasé and react with instinct as opposed to well-planned and carefully thought-through goals and benchmarked policies”. However, even if the AU were to attempt to impose sanctions strictly by the letter, a certain interpretative space and need for political judgment remains. AU sanctions cannot be fully ‘automatic’. Yet, this claim exists because the organisation cannot let unfettered political deliberation occur between 54 different Member States in these sensitive issues. If the AU is to stand for a “non-controversial collective institutional approach” (Kambudzi 2008, p. 8), this necessitates sheltering the sanctions policy from the toughest political struggles.

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<sup>194</sup> More than four years after its creation, only four Member States had ratified the Charter. Fifteen ratifications were needed for the Charter to enter into force. After a ratification wave in late 2011, in January 2012 Cameroon became the fifteenth Member State to ratify the Charter. In October 2012, seventeen out of 53 Member States had ratified the Charter, 24 countries had signed but not ratified, and fourteen countries had not yet signed.

Overall, the AU has faith in the efficacy of targeted sanctions, including in the procedure of targeting. The insistence on targeting reflects the AU's belief in the ability of institutional solutions to correct any imperfections in the design of sanctions. AU interviewees complain that the organisation has problems with "coordination, implementation, lifting, monitoring – the whole chain" (interview, 2010-12-11). The hope is to improve on these aspects by finalising a functional Sanctions Manual by December 2011<sup>195</sup> (interview, 2010-12-20) and establishing a Sanctions Committee (Peace and Security Council of the African Union, 2009f; Lulie, 2010).

Rather than representing seamlessly habitual sanctions, the AU case shows how logics of action can be mutually enforcing rather than mutually exclusive. Doubtlessly, sanctions are a crucial form of identity politics for the AU as a *regional* actor, which the emphasis on punishment and establishment of norms-reveal. In addition, the AU has a lot to prove in order to gain the confidence of its citizens. Institutionalisation of the policy is necessary in order for the AU to be accepted as a neutral and predictable actor that is working in the interests of the continent. As Lulie (2010) states: [t]he imprecise design of sanctions can fuel negative perceptions about the imposing entity". Finally, a well-functioning institutional set-up is seen to be an important element for increasing the prospects of target change and deterring others from future unconstitutional changes of government.

### **Logics of Action and Ascribed Identities**

Sophisticated reasoning about what underlines an actor's decision to impose sanctions is rare. Normally, it is assumed that action is purposive, which means that we only exceptionally find actors that explicitly reason over actions that lack political purpose. Observers simply state that "sanctions should always strive to serve their intended purpose effectively", or "you need to have results" (Lulie 2010; interview, 2010-12-07). This 'taken-for-grantedness' exists in the EU's self-understanding, in the AU's perceptions of the EU, and in the AU's self-understanding. Alternatively the question of underlying logics can be seen as a "philosophical discussion on whether sanctions work or not - maybe we can skip this one..." (EU del 2010-12-07; also interview 2010-12-20).

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<sup>195</sup> As of July 2012, the Sanctions Manual has not yet been made public. A procurement notice for a one-month UNDP-commissioned consultancy mission expired on October 15, 2011 (UNDP Ethiopia, 2011).

However, there is a big difference between how actors think about themselves and how they think about others, not only in substance but also in the very way that they address the topic. Especially when it comes to logics of action, self-analysis turns out to be more complex than the perceptions that one has of the other actor. In the AU's discussion of its own use of sanctions, the three hypothetical logics of action are closely intertwined. To say that they are not mutually exclusive is an understatement, since their level of interconnectedness is fundamental rather than exceptional. This should encourage us to consider how the logics relate to each other in different circumstances and how they may have different weights at different points during the lifetime of a sanctions regime. The AU's perceptions of the possible logics of action that underlie the EU's use of sanctions are more basic. At first this may seem to go against my prior declarations of how an actor's identity construction is fundamentally relational. Yet, these two things need to be kept separate. An actor's identity depends on outsider's perceptions in the same way that an individual's identity is fundamentally relational. Just as individuals tend to be self-centred, we can expect nothing less from international actors.

That the AU does not structure its thinking about EU sanctions clear-cut around reasons for action is notable. We saw in chapter 3 how *credibility* is an overarching goal of the EU's sanctions policy. If the intention of the EU is to transmit a clear purpose of its sanctions, this message has either not reached the recipient or it has been rejected. This does not mean that actors – or individuals for that matter – do not have opinions about why other actors use sanctions. This analysis of perceptions has shown that the AU doubtlessly ascribes identity(ies) to the EU through how this last uses sanctions. Depending on the characteristics of the case and, not least, the AU's own relationship to the target of the sanctions, these ascriptions vary. Hence, in the perception of the AU the EU is both a partner and a competitor that is seen as using sanctions either with the (legitimate or illegitimate) objective to incite change in the target, or without much regard for effects on targets.

## The Sound of Silence

The word "sanctions" was among the first five words mentioned to the new European Union (EU) ambassador to Zimbabwe Aldo Dell'Ariccia when he first arrived and met with government officials in Zimbabwe a few months ago (Kwenda, 2010).

The study confirms that sanctions have a certain significance, not only for the AU and the EU individually but also for the relations between these two actors. As put by South African newspaper *Business Day* the "imposition of political and economic sanctions as a means of influencing the behaviour of errant regimes is never without controversy, as South Africans well know" (Is it time to ease up on Mugabe?, 2010). This does not mean, however, that sanctions are necessarily always high on the formal agenda. Rather, the role of sanctions for AU/EU relations is also expressed by (at times) deliberately keeping silence on the issue.

In the official documents on the EU/Africa partnership, there is almost no mention of sanctions. It is not evident what this silence signifies. On the AU side, interviewee D argues that this "means nothing, absolutely nothing", since "[t]he Peace and Security strategy is not a shopping list, then it would not be a strategy" (interview, 2010-12-20). However, other interviewees' testimonies of sanctions as a source of tension for EU/AU relations (interview, 2010-12-11; 2010-12-15), suggest that leaving sanctions out of central documents is not coincidental. Sanctions might be the 'elephant in the room' that everyone stares at but pretends does not exist. From what we know about the rigorous negotiations of official documents between the two regional organisations, it seems unlikely that sanctions would simply have been forgotten or judged to be unimportant. If the Joint Africa-EU Strategy (JAES) is indeed "high on the agenda for both partners", "a privileged relationship" to which the EU gives a lot of money (interview, EU del, 2010-12-06), we can expect that the substance included sets out the official priorities for cooperation. It is therefore worthwhile to consider which policy areas are given voice and which are not mentioned in key texts that constitute the formal basis of the 'partnership'.

Given the topics mentioned, and the level of detail in which they are discussed, sanctions have hardly been excluded on the basis that they are considered to be insignificant. Considering that the JAES-strategy aims to have "an open, intensive and



comprehensive dialogue on all aspects and concepts of governance, including human rights, children's rights, gender equality, democratic principles, the rule of law, local governance, the management of natural resources, the transparent and accountable management of public funds, institutional development and reform, human security, security sector reform, the fight against corruption, corporate social responsibility, and institution building and development", the absence of any mention of sanctions, however remote, is striking. The "importance of having a better knowledge of African cultural goods" is given its own paragraph (§ 31) in the "governance and human rights" framework, while sanctions are not touched upon at all. There is no mention of coups or 'unconstitutional changes of government'; instead open dialogue is proposed with regard to "the concept of situations of fragility" (African Union Commission and European Commission, 2007). While this silence might be an attempt to avoid revealing normative priorities, it reveals a normative priority in and of itself. Development co-operation and peace and security cooperation compete for the position of being "the most visible" parts of the EU/AU cooperation, whereas what are likely the more sensitive political issues are left in the margins (interview, EU del, 2010-12-06; EU del, 2010-12-07; AU, 2010-12-20).

The most controversial sanctions case for EU-Africa relations is doubtlessly Zimbabwe. Kotsopoulos (2007) calls the sanctions against Zimbabwe "the main stumbling block" for holding EU-African summits, and Boussyt and Sherriff (2010, p. 11) think of it as a "contentious issue" that needs to be addressed. The AU Assembly has repeatedly called for "the immediate lifting of sanctions imposed on Zimbabwe", emphasising that there have been "harmful consequences [...] on the economic and social stability of Zimbabwe as well as on the well-being on the populations", and encouraging the international community to prioritize the lifting of sanctions (see African Union, 2010).

Yet, interviewees at the EU Delegation to the African Union do *not* feel that sanctions against Zimbabwe influence EU-African relations. The issue "stays in the background" (2010-12-06), "never comes up" (2010-12-07) and is only evoked before summits on European ground (EU del 2010-12-06; 2010-12-07). Interviewee D at the AU also states that the Zimbabwe sanctions have "not significantly influenced the relationship" (2010-12-20). At the same time, EU sanctions against Zimbabwe are

spoken of as “a bomb”, an “explosive issue”, “a bitter pill” for EU-African relations (2010-12-20). But how does this fit together? Interviewee C gives us some clues:

We [the EU and the AU] have dialogue on different situations, on different cases. But, we do not want to target too narrowly. We do not want to target individuals. We do not discuss the topic of Mugabe. Never. We would not understand each other. We cannot throw him in prison. Yes, we can criticise certain practices, and we will make him understand.” (Interview, 2010-12-17)

The absence of deliberation on the Zimbabwe sanctions might be symptomatic of an overall ‘political dilution’ of EU-Africa relations, where the JAES is “primarily driven by bureaucratic incentives (on both sides) rather than by a clear and audacious political agenda” (Bossuyt & Sherriff, 2010, p. 8). According to policy analysts Bossuyt and Sherriff (2010, p. 5-6), “the lack of a solid political analysis of the interests at stake in the JAES is particularly visible in sensitive partnerships”, and the “negotiating of political differences” has become increasingly rare.

Bossuyt and Sherriff suggest that several factors that may explain this “weak political buy-in”. First, there is a lack in political leadership and issues are quickly delegated to officials who have to deal with them within their own mandate. Second, although issues are shared, interests may not be. They write: “While key officials (on both sides) claim that ‘there are no taboos’ in the JAES, it would appear that the JAES has so far not been sufficiently exploited as a political framework through which to creatively articulate, further and protect interests in Africa and Europe, particularly on sensitive topics where interests may be divergent.” Third, there is confusion between political and expert roles, and few incentives for experts to participate since their respective mandates are fuzzy. Fourth, there is a clash between the cooperation projects — which tend to be short-term — and the long-term aims of the partnership. In sum, if EU-African relations are truly so technocratic and short-sighted, politically sensitive sanctions cases would indeed be among the first issues to be avoided.

Another important aspect is that many political urgencies simultaneously struggle for the discursive space of EU-AU relations. Some sanctions cases never make it to either media spotlight or into central policy documents. The Zimbabwean case dominates AU perceptions on EU sanctions, as well as African media that report on sanctions. Sanctions against Madagascar, Niger, or even Côte d’Ivoire are mainly discussed in national media, where the interest in the issue is obvious. In the South

African newspaper *Business Day*, Thami Mazwai (2011-03-09), director of the Centre for Small Business Development at the University of Johannesburg, wrote a disillusioned comment on the AU's impotence in the Libyan and Côte d'Ivoire cases:

Even the poorest are considered human beings in most parts of the world. But look at the degree to which the death of hundreds in Africa is given a small paragraph in national newspapers, if it is even mentioned at all. Then it is evident that African lives are still not worth anything. Small wonder that the massacres in Libya or Côte d'Ivoire do not galvanise the AU into action.

While the AU eventually took some action in both these cases, including the imposition of sanctions against the Côte d'Ivoire, its reactions to the events that were unfolding in North Africa in the Spring of 2011 have impressed few observers. In January 2011, the African Union held its 11<sup>th</sup> yearly summit. The theme this time was 'Shared Values', and the summit was anticipated with curiosity, especially with regard to the AU's sanctions policy (Interview, 2010-12-20, 2010-12-21). While the AU discussed the Ivory Coast, Niger, Madagascar – all AU sanctions cases, as well as Sudan and Somalia – where the AU Standing Forces are currently involved, the absolutely hottest topics of world politics these days – i.e. the on-going public uprisings in Tunisia and Egypt – were basically ignored.

An official reaction from the AU came only after the Summit, when the Chairperson of the African Union – Dr. Jean Ping – called for "appropriate reforms" while he at the same time pointed out the "need for all stakeholders to exercise utmost restraint and to work, through dialogue, for the search of a consensual solution to the situation". Indeed, in the very year of 'shared values', 'African solutions to African problems', were put to the test and did not impress.

## Autonomy

In Chapter 2, I defined the task of studying autonomy as determining who the EU is in its sanctions policy, and to detect patterns of influence from other stakeholders. I also stressed that this requires studying the perceptions of other actors: is the EU perceived as an autonomous actor or as a simple follower? Is the Union seen to be an actor in its own right, or are sanctions perceived to be the product of certain Member States?

With regards to the first question, the autonomy of the EU's use of sanctions in relation to other international actors is strong. Several interviewees point out that the presence of other actors in Africa challenges the EU's choice of role, but none of the interviewees have even reflected on the possibility that the EU would be influenced by other actors in its decision to carry out sanctions. In their answer to a direct question, interviewees do not think that there is confusion between the EU and the co-sanctioners when it comes to Zimbabwe.<sup>196</sup> Both AU and EU officials think that people are aware that these are EU sanctions. However, in African media it is mainly with regards to sanctions against Zimbabwe that EU sanctions are discussed. Otherwise, EU sanctions are usually clustered together with the sanctions of other actors, without discernment:

*Alongside* the United Nations and the African Union, the European Union has also condemned Gbagbo's attempt to cling to power. On Tuesday it revealed a list of 11 Ivorians that will be targeted by sanctions.

The Nation (Nairobi), December 15, 2010 Wednesday (my emphasis).

"They obviously underestimated the resolve of the administration on the issue, but when it comes to protecting American lives, the president will take all measures necessary," a White House aide stated. Sources said Washington also threatened to seek the cooperation of European Union officials to also revoke the travel documents of targeted lawmakers and government officials if Nigeria had carried out its threat of diplomatic retaliation against American citizens," a senior administration official stated.

*Daily Independent* (Lagos), January 12, 2010 Tuesday, Worthy Or Worthless Giant?

France said it would fly aid to the opposition-controlled eastern half of the country. The European Union imposed an arms embargo and other sanctions, following the lead of the US and the UN. The EU was also considering the creation of a no-fly zone over Libya. And the US and Europe were freezing billions in Libya's foreign assets.

*Daily News* Egypt 2011-03-11.

The actors that stand out as the most important for the multi-actor sanctions game are the UN, China and the US. The increased presence of China on the African continent has challenged the Europeans in a number of ways, from investment strategies to differing views on conditionality (interviews, 2010-12-06; 2010-12-07).<sup>197</sup> Moreover, China tends to have a more tolerant approach towards the countries upon which the EU has

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<sup>196</sup> There are no UN sanctions against Zimbabwe, the US, Australia, Canada, and New Zealand are co-sanctioners alongside the EU.

<sup>197</sup> It should be remembered, though, that China is far from being a newcomer to Africa. Already in 1964, China's first Prime Minister Chou En-lai visited Africa and declared it ripe for revolution (Reitsma, 1976, p. 47). From the second half of the 1960s on, China participated in huge infrastructure projects, expanded its diplomatic relations, and a few years later it emerged as an active donor, not the least of which was military aid (ibid.).

imposed sanctions. The Chinese signed “big contracts with the junta” in Guinea Conakry, which was under sanctions both from the EU and the AU after a bloody massacre in 2010 (interview, 2010-12-21). Furthermore, when it comes to the long-standing sanctions against Zimbabwe, China has been a “good friend” and remains a “key partner”: “China supported Zimbabwe in the face of an onslaught by Western countries that have imposed illegal sanctions on the country” (Six Envoys Present Credentials to President, 2011). Moreover, together with another “progressive nation” – Russia – *The Herald* gives China credit for having “vetoed attempts by Britain and the US to legitimise their illegal sanctions regime through the UN Security Council in 2008” (Six Envoys Present Credentials to President, 2011).

One EU delegation official was of the impression that sanctions against Zimbabwe were associated with the EU rather than with Member States, “even if some Member States, one obviously, has other interests” (interview 2010-12-06). He/she reasoned that even if there are disagreements within the Union, “they all have to follow, no?” (interview 2010-12-06). He/she also points out that what may seem to be EU disunity is something that can be mutually agreed upon beforehand, such as the United Kingdom’s refusal to attend the EU/AU Summit in 2007 in Mugabe’s presence (2010-12-06).

On the AU side, EU sanctions are believed to be associated with Europe as a whole rather than with specific Member States (2010-12-20). Yet, the Member State dimension continues to be highly visible in the AU perceptions of EU sanctions, for which “divisions among Member States” are well known and “the Commission is sometimes weak in follow-up and implementation” (2010-12-20). The perspectives of small EU countries are considered to have been engulfed by the EU machinery, as the former colonial countries set their imprint on the EU policy (interview 2010-12-11). Moreover, when it comes to cooperation on AU sanctions, one interviewee states that “[t]he EU is always officially behind [them], but Member States are sometimes not” (2010-12-16).

Interviewee B spoke of how sanctions had been imposed by “one state due to its difficulties with Zimbabwe”, and called to mind how Mugabe called Angela Merkel “the small puppy of Gordon Brown” at the EU-Africa Summit in 2007 (2010-12-16). Thus, there is a certain level of irritation that sanctions have been authored not by all EU Member States but only by the former colonial power, the United Kingdom. This argument is fed by the apparent disunity within the EU on this issue: “The AU and even

some EU states have disagreement with the sanctions” (interview, 2010-12-16). South African newspaper the *Cape Argus* (2010) also reports that, “[t]he European Union is sharply divided about whether to renew targeted sanctions against Zimbabwean President Robert Mugabe and his Zanu-PF cronies, or to heed Prime Minister Morgan Tsvangirai's plea to end them.”

African media commonly applies a Member State perspective when it reports on EU sanctions. We have seen above how the South African *Sunday Times* refers to the EU as a “grouping” (Kwidini, 2011), and Kenyan newspaper *The Nation* calls EU “the block” (Nyathi, 2010c). This already gives a hint of how the Union is considered to be a collection of Member States rather than an actor in its own right. Hardly surprisingly, France, Germany, and Britain are the Member States that are given the most attention insofar as they are seen as the agents that are behind the design of the EU sanctions policy (Syria charges hundreds with 'degrading the state', 2011; Syrian forces crack down on protesters in Baniyas, 2011; Okerfor, 2010 ; EU plans to adopt Egypt asset freezes next week, 2011; EU to slap sanctions on 19 Ivorians, including Gbagbo, 2010).

Another situation, which the AU associates with the Member State dimension, occurred as the AU sought the EU's support for its sanctions against Madagascar. When the AU on 17 February and 19 March 2010 had imposed sanctions on Madagascar following a coup, it urged the EU to “strongly support” AU sanctions (Peace and Security Council of the African Union, 2010g). The calls for “greater mobilization of the international community”, especially AU partners, to back sanctions were repeated at the 237<sup>th</sup> and 250<sup>th</sup> PSC Meetings (Peace and Security Council of the African Union, 2010e; 2010f). Before targeted sanctions had been imposed, when Madagascar was only suspended from AU activities, the PSC had already asked the international community to “refrain from any action likely to comfort the illegal regime in Madagascar”. The Council also underlined the importance of working together with AU partners, including the European Union, the Chairperson of the Commission to “to contribute to the rapid restoration of constitutional order” (Peace and Security Council of the African Union, 2009c). The EU did suspend aid under Cotonou Art. 96, but it did not impose other sanctions.

In the end, the AU was disappointed with the EU. The Malagasy case comes up in the interviews as an example of where the Member States of the EU were divided. “Some countries pay lip-service”, interviewee D stated, referring especially to French

interests on the island (2010-12-20). It is no secret that France and the United Kingdom have “strong bilateral agendas” in Africa (interview, EU del, 2010-12-07). For the Malagasy case it was primarily the French that had “different views”, which led to uncoordinated action and in the end an unsuccessful outcome (2010-12-16).<sup>198</sup>

The Malagasy case shows that the AU does not hesitate to seek allies for its use of sanctions. Yet, autonomy is a pillar of the AU sanctions doctrine: “The EU has idea that they do good, but Africa will not follow the same model” (interview, 2010-12-11). Considering the centrality of sanctions for the identity transformation of African integration, it is no wonder that the AU seeks to underline its autonomy as an actor in sanctions. The modest degree of actual exchange/cooperation between the two actors in the field of sanctions also points in that direction. It has been suggested that the EU is a source of inspiration for the AU, not only with regard to its institutional framework but also in its use of sanctions (Eriksson, 2010). However, the findings of this study suggest that we should not exaggerate the degree of diffusion or shared experience between the AU and the EU. Even officials at the EU Delegation to the African Union acknowledge that the “AU philosophy on unconstitutional changes of government is of its own making” (interview, EU del, 2010-12-07). When interviewees are asked whether the EU has been a source of inspiration for the AU in sanctions, the replies are negative: “Honestly, no. We have our own criteria. [...] The EU uses sanctions according to its rules and the AU according to its rules, in an independent manner” (interview, 2010-12-17).

Since the AU presents its use of sanctions as being automatic and equal for all, if there are differences in interpretation amongst Member States these differences are not visible in the official discourse. Instead, the emerging Regional Economic Communities are important co-players for the AU’s sanctions policy. It is also through the backdoor of the RECs that the Member State dimension shows through. While Africa has eight RECs, South-Africa based SADC and Nigeria-based ECOWAS are the most important, and “the AU follows their lead” (interview, EU del, 2010-12-07).

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<sup>198</sup> French Professor Pascal Chaigneau’s criticism of EU ‘sanctions’ against Madagascar gives a different picture (Iloniaina, 2010). Chaigneau is upset about the EU’s inconsistency in imposing sanctions – in reality article 96 measures – against Madagascar but not against Niger and Guinea Conakry. Here he is misinformed, since the EU in fact had already imposed sanctions on Guinea Conakry in October 2009 (Council of the European Union, 2009d), however not as a response to the military coup per se but after a massacre where more than 150 demonstrators were killed. In any case, Chaigneau thinks that France has been hi-jacked by the EU decisions on Madagascar, and overall deplores the internationalisation of negotiations for political crises, as an expression of raw power politics.

Moreover, just as with the EU, the AU's sanctioning practice stands in the shadow of the multilateral champion – the United Nations. All AU Members except the West Sahara are UN Members. Even if the AU stands on “good terms with the UNSC” (interview, 2010-12-11), its use of sanctions is autonomous from the UN's – as “the UN is not imposing sanctions against unconstitutional changes of government” (interview 2010-12-16). The AU seeks UN “support” for its sanctions against Guinea-Bissau and Comoros (African Union, 2009c; 2008a) and has encouraged the UN to impose sanctions against Somalia and Eritrea (Peace and Security Council of the African Union, 2009h; African Union, 2009e). On the other hand, the AU argues that the UNSC does not “reflect present world realities and has therefore proposed that the Security Council be enlarged to include two permanent African members and two additional temporary seats (African Union, 2005b).<sup>199</sup>

AU-UN relations are a story in and of themselves, and it has been questioned whether the AU truly is a regional organisation in the sense of the UN Charter's Article 52 (Magliveras & Naldi, 2002, p. 419). Just as the AU matters as a bystander for EU sanctions, the UN matters as a bystander for EU-African relations. For instance, if we are to understand the silence on the topic of sanctions in EU-African documentation we need to consider whether it may have something to do with the UN. Open discussion of cooperation between two regional organisations with regard to sanctions could be interpreted as a challenge to UN primacy in sanctions; something that both actors likely wish to avoid. Instead of formalising exchange, they “emphasise[d] the importance of an effective multilateral system” and “committed to work together to ensure better African and European cooperation in relevant international bodies, including the UN” (African Union Commission and European Commission, 2010b, p. 3).

## Policy Linkages

David Baldwin's influential argument that sanctions should not be discussed in isolation but as a part of a broader package of policy measures finds support in the interviews. Interviewee D at the AU PSC stressed that sanctions are “one tool among a set of tools”, which is why he/she found it pointless to discuss whether sanctions ‘work’ or not (AU 2010-12-20). He judged it a “useless, non-scientific” question, precisely because

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<sup>199</sup> The upgrade of the European Union's status in the UN General Assembly (United Nations, 2011) may set a precedent for an eventual modification of the AU profile in UN affairs.



sanctions are never imposed in “isolation” but as “a part of a strategy” (interview AU 2010-12-20). It was also maintained that “everything is important in the European/African partnership” (2010-12-17), and that the fields of cooperation are “mutually reinforcing” (2010-12-20). Similarly, the Africa-European Union Strategic Partnership promises to promote “interactions and positive complementarities between sectoral policies and strategies, while ensuring that measures taken in one policy area do not undermine results in other areas” (African Union Commission and European Commission, 2010b, p. 4)

In contrast to this holistic ideology, EU/AU cooperation is in practice highly fragmented between organs and fields of cooperation. In addition, the JAES competes with other initiatives for cooperation, such as the European Neighbourhood Policy (ENP) and the Union for the Mediterranean (UfM), as well as remaining bilateral agendas. Bossuyt and Sherriff (2010, p. 10) in particular point out the Union of the Mediterranean together with the “potential division of portfolios between the new European Commission and European External Action Service” has led to increased fragmentation and detachment from the principle to ‘[treat] Africa as one’.

Moreover, it is not entirely clear which entity within the AU apparatus is in charge of sanctions. Although the normative basis for the use of sanctions – unconstitutional changes of government – is clearly about governance/democratization, the topic is mainly handled by the AU peace and security department, and not the department for political affairs. Decisions on which sanctions to impose, against whom, and when, are taken by the Peace and Security Council, and interviewees at the legal and political departments refer back to the Peace and Security Department for clarification (interview, 2010-12-16). Like other organs, however, the PSC is notoriously under-funded, and it does not have the political autonomy to match its responsibilities. Furthermore, Member State support cannot always be counted on (Williams, 2009, pp. 617-618). Since the EU organises its work with the AU through the partnerships, sanctions run the risk of falling between the cracks. One interviewee, who had worked four years with the peace and security partnership, could not recall any occasion in which sanctions had been discussed (EU del 2010-12-06). On the EU side, interviewees talked about AU sanctions as being “very specific”, and “not the most common instrument” (EU del 2010-12-07, 2010-12-06). One interviewee was misinformed and thought that the AU had never suspended the right to vote of a Member State.

Suspension of a Member State's participation rights – whilst maintaining its obligations – is the first step in the ladder of measures that make up AU sanctions.<sup>200</sup> Article 30 of the AU Constitutive act unambiguously states: "Governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union" (Organization of African Unity, 2000a).

Given the level of fragmentation and weak institutionalisation of contacts regarding sanctions it follows that few policy linkages are made. Nonetheless, an important policy linkage at the basic level of definition exists between CFSP sanctions and Art. 96 aid suspension measures under the Cotonou Convention. As we have seen, these measures tend to be equated with sanctions even though they technically amount to contractual countermeasures according to the EU.

The role and legitimacy of the International Criminal Court – an issue highly related to sanctions – pops up as a source of tension for EU-African relations. The ICC is a "constant topic" (interview, EU del, 2010-12-06), the debate is "polarised", and the two actors have trouble "[finding] common ground" (interviewee B EU del 2010-12-07). "Some EU Member States just cannot accept that the AU is not fully behind [the ICC]" concludes one interviewee, who thinks that "the AU probably experiences pressure from the EU when it comes to the ICC" (interview, EU del, 2010-12-16). In 2008, the AU Assembly repeatedly asked for UNSC to defer the arrest warrants of Rwandan leaders. A decision of the eleventh AU Assembly condemns "the political nature and abuse of the principle of universal jurisdiction by judges from some non-African States against African leaders" as a "clear violation of the sovereignty and territorial integrity of these States" (African Union, 2008b). Moreover, it warns that this abuse could "endanger international law, order and security", "have a destabilizing effect" for which the "political, social and economic development of States and their ability to conduct international relations" could be harmed. Therefore, the decision makes it clear that "[t]hose warrants shall not be executed in African Union Member States". The Assembly asks for a meeting between the AU and the EU "to discuss the matter with a view to finding a lasting solution to this problem and in particular to ensure that those warrants are withdrawn and are not executable in any country", and implores primarily EU States to "impose a moratorium on the execution of those warrants until all the legal and

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<sup>200</sup> Former OAU Legal Advisor Maluwa (2003, p. 165) claims that suspending undemocratic governments from participation was common praxis also in the OAU from 1997.

political issues have been exhaustively discussed between the African Union, the European Union and the United Nations.”

In the absence of an agreement between the parties, the following Assembly Session (African Union, 2009f) claims that new warrants of arrest “create tension between the AU and the EU” and states that the AU will make “the appropriate collective response to counter the exercise of power by strong states over weak states”.

When Council President Van Rompuy compliments the AU for having been “instrumental in the setting up of the International Criminal Court” he is implicitly criticising the fact that the AU has not been all too cooperative in recent years (African Union Commission and European Commission, 2010a). It is also telling that the Tripoli Declaration of the same Summit commits to “the prosecution of the most serious crimes of concern to the international community, taking into cognizance the positions of the African and the European Union”, without mentioning the ICC by name. The reason for this is that AU fears that the ICC arrest warrant against Bashir will lead to “counter-productive consequences” and it has therefore asked for deferral “in the interest of peace, justice and reconciliation” (Peace and Security Council of the African Union, 2010b).

The ICC dispute is closely related to attitudes on sanctions. In early November 2010 the PSC “stressed the need to urgently lift the unilateral sanctions imposed on Sudan” (Peace and Security Council of the African Union, 2010g; see 2008d), and at the PSC meeting at the venue of the EU-Africa Summit a couple of weeks later it called on the international community’s support of the ICC deferral as well as the removal of sanctions (Peace and Security Council of the African Union, 2010i). Although Bashir has not personally been subject to EU sanctions, the EU Member States threatened a “mass walkout” if he were to attend the EU/Africa summit (AU Peace and Security Council urges ICC [...], 2010). While Libya, the host country for the Summit, is not a signatory to the Hague Convention, EU Member States are and would have been expected to facilitate his arrest should he have come into their presence. The ICC warrant of arrest could thus work as a de facto travel sanction on the individual, but Bashir had previously visited Kenya, Egypt and Chad without being arrested (Copnall, 2010; Lough, 2010; Rasmussen, 2009; African Union, 2010d). Bashir was also invited to attend the EU-Africa Summit, but in the end the host country, Libya, asked him not to attend the meeting (Sudan; The Nation Outraged After Libya Asks Bashir to Skip Africa-EU Summit,

2010). Even if this was a one-sided move from the Libyan organisers who feared a European boycott, and even though it gave rise to much anger and accusations of betrayal and disloyalty – it nevertheless represented a break with the usual AU attitudes toward the ICC question. In addition, there is a constantly perceived threat that sanctions may be imposed if the ICC is not respected. Consider the report of Mutiga in Kenyan newspaper *The Nation* (2011b):

The experience of other states whose policies have collided with the positions of the United States and the European Union indicate that the nation can brace itself for various sanctions in the event - as is widely predicted within government circles - that the Kibaki administration pulls out of the ICC process entirely if charges against the Ocampo Six are confirmed. Sanctions diplomats say the suspects face include asset freezes and bans from travelling or transiting through countries that agree to enforce the ban. The US and some EU countries could also drop all non-essential aid to the country. While those measures would be designed to target the suspects, the fear is that application of sanctions could have a wider effect on the economy and affect ordinary Kenyans. It may shake investor confidence in the country, slow down the tourism sector in case travel advisories against Kenya are issued, and lead to higher interest rates which could have a knock-on effect on the economy.

## Lessons Learned

This chapter has shown that it is necessary to study sanctions as a fundamentally relational foreign policy tool. Just as the slogan ‘African solutions to African problems’ speaks as much to the outside world as to the African continent, EU and AU sanctions speak not only to the direct target but to wider audiences as well.

The study indicates that the EU is appreciated as a sanctioner as long as it is considered to be helping and not hindering AU politics. As a co-sanctioner, the EU should lend the leverage that it has, but not assert it so strongly that the AU looks weak. The AU is impressed by the EU’s capacity and sophistication in sanctioning, and this perception dominates when specific cases are not being discussed – i.e. when it is considered in its general capacity as a sanctioner. However, the AU has little if any interest in non-African EU sanctions cases. When it comes to EU sanctions against Zimbabwe, for which the AU is a regional actor, the AU is critical and doubtful about the EU’s intentions. Here, the actors differ in their understanding of what the normative

basis for the sanctions truly is, and the EU is accused of hypocrisy and acting according to false pretexts. These accusations are particularly serious since it calls the EU's character into question and may hinder genuine communication (see Lynch, 2008, p. 176).

Finally, as a co-sanctioner, the AU asks the EU for more support but is at the same time eager to safeguard its own territory. The study indicates that when the AU is a co-sanctioner or an overall observer, it judges that the infliction of pain is a requisite for success, whereas when it is a regional bystander, the hurtful effects of sanctions constitute a reason for which they ought to be lifted. This is because, as a regional bystander, the AU's identification with the target approximates the internalisation of its perspective. How perspectives on sanctions can differ depending on what position the bystander has to the respective sanctions regime merits to be further investigated by future research.

That we find a very modest level of formalised co-operation on sanctions suggests that ensuring effects on targets and thereby enabling policy change may not always be the first priority. If the logic of change through effects were to be dominant, one would expect that actors might seek to coordinate their action so as not to undermine each other's actions. This is not what is really happening, which suggests that the actors prefer to keep parallel tracks and safeguard their autonomy. Naturally, as a form of communication about the self, autonomous sanctions send purer messages. The same reasoning applies to the AU's rejection of the proposition that the EU would have been a model or an important source of inspiration for the AU when it comes to sanctions.

Moreover, we have seen that the volume for the sanctions issue in EU-Africa relations is surprisingly low. I take this to be an encouragement to think more about agenda-setting when it comes to sanctions. Further research should also help to better establish what the absence of sanctions in official documents signifies. Does the silence on sanctions actually mean that they are considered unimportant, or rather that the relationship between the two organisations is incapable of dealing with politically sensitive issues? Systematic access to EU-AU meetings on different levels is easier said than done but would enable us to find out.

It is curious to note how the AU Assembly or PSC Council can in the same document impose their own sanctions and at the same time call for other EU sanctions

to be lifted. Neither the AU nor the EU has one principled position or perception on sanctions; the political situations to which the instrument replies are far too complicated to allow for that. Yet, the distinction that is made between that which is external and that which is internal runs like a watershed through the discourses. In its simplest form, it is used to criticise a sender for breaking with the principle of non-interference in a country's *internal* affairs. This is the basic argument that most targets of sanctions use, but it is also present in AU comments on EU sanctions cases. Beyond the non-intervention argument, the internal/external divide works as a structuring device for the approach on sanctions more generally. As we have seen in chapters 2, 4, and 5, EU sanctions work to redefine certain normative boundaries while maintaining others. AU sanctions, in contrast, work within a universe the borders of which are *not* contested by the very use of sanctions. Even though suspension of membership is the first step on the AU's sanctions ladder, it is a temporary measure and the purpose is to keep the African community of states together.<sup>201</sup> Cessation of membership only occurs upon the initiative of a Member State that would like to leave the Union (AU Constitutive Act, Article 31; Organization of African Unity, 2000a).

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<sup>201</sup> In addition, the parallel system, where Member States who fail to pay their contributions are suspended, might de-stigmatised sanctions. Since a majority of Member States usually cannot participate in the work of the Union for this reason, a normalisation effect might spill-over to the other sanctions as well.

## 8. CLOSURE AND NEW BEGINNINGS

This thesis tackled a substantial, multilayered research question, departing from a general claim about the inherent characteristics of sanctions as foreign policy tools. It is a study of a classical tool of international relations; used by an unusual international actor. The aim was to provide a more nuanced exhaustive viewpoint on the EU as an international actor and of sanctions as foreign policy tools. In order to achieve this goal, I have brought to the foreground patterns of conflict and consensus in the respective EU and AU discourses on sanctions.

The research began in frustration with the state of the literature on the EU as an international actor. I found that the literature was generally methodologically, empirically, and normatively biased and therefore presented a distorted and sometimes naïve picture of the Union. I was worried about what seemed to be a type of euro-centric tunnel vision, where the perceptions of other actors were disregarded, and the EU's self-understanding oversimplified. I was convinced that these biases could be corrected by analysing the ways in which the Union reflects upon itself and by contrasting this self-perception with those of other actors. I chose to approach the topic against the empirical backdrop provided by sanctions, what may be considered to be a thus far under-researched yet significant policy tool for the EU.

In a first section of this concluding chapter, I discuss the most important findings presented in the thesis and explore what further reaching conclusions they may represent. Not all stones have been turned over with regard to the topic of sanctions and the EU as an international actor. I believe that the biggest contribution of this thesis lies in the seeds of thought that have been planted in these pages and their potential future growth. In a second and final section of this chapter, I indicate three directions that I believe to be particularly worthwhile to explore. I also make a brief reflection on the euro crisis as a crisis of Europe and how it may influence the EU as an international actor.

## Balancing the Book(s) – Sanctions and the EU as an International Actor

The contribution of this thesis can be summed up with three theoretical propositions and three empirical findings. These are the main points that I wish the reader to take from this thesis, to contemplate, develop, or reject.

In the following, each of these propositions and corresponding findings are recapitulated.

1. *Proposition:* Sanctions are socially constructed foreign policy tools, the meaning of which is decided through convention and institutional choices.

*Finding:* The EU's operational definition of sanctions refers to a broad variety of measures that are justified on the grounds that they are reactions to an expanding range of norm violations. This leads to potential normative collisions not only with other policy tools but also within the different sanctions policies.

2. *Proposition:* Sanctions have inherent symbolic properties, which may be instrumental to either self- or target-oriented policy goals.

*Finding:* The EU's reasoning about sanctions as foreign policy tools is largely self-oriented, and prioritises credibility over expected target change.

3. *Proposition:* An actor's identity construction is fundamentally relational: its characteristics depend on both self-understanding and on the perceptions of others.

*Finding:* The AU's perceptions of the EU's sanctions policy show that the EU indeed has an issue with credibility.



Proposition 1: *Sanctions are socially constructed foreign policy tools, the meaning of which is decided through convention and institutional choices.*

In chapter one, I sought to understand the conceptual boundaries of sanctions and consulted both political and legal definitions in order to do so. I found little consensus and much disagreement as to what sanctions are and what differentiates them from other negative measures that are employed in international relations. In spite of the definitional confusion, and regardless of the fact that a sanction is not physical and as such cannot be touched or seen, sanctions do not entirely lack definitional borders. Undoubtedly, negative sanctions involve the imposition of some type of harm or withdrawal of some type of good or benefit in order to qualify as such. However, the more I studied the theoretical debates on sanctions, the more it became clear to me that what sanctions are – in practice, once we have moved past these minimal components – is first and foremost decided by each actor's own usage of the term. Thus, the very same measures may be framed and perceived differently by different actors. In the thesis, it resulted that AU representatives considered the EU's use of negative conditionality to be a sanction even though it (according to the EU) formally is not deemed as such. In addition, the debates in the European Parliament regarding whether 'diplomatic measures' against Cuba are sanctions or not illustrate that there are different interpretations even at the internal level. Thus, I reached the conclusion that:

[T]he meaning of sanctions is not fixed or self-explanatory, but is constructed by an actor's deliberate choice to cluster some measures, but not others, under this particular label and institutional umbrella. What is, and what is not, a sanction, is thus constructed in the actors' discursive interpretations of some core definitional elements.

Each actor is free to nurture its own interpretations of what sanctions truly are, but it is another matter entirely whether the measures in question will be accepted as such also by other actors. Since I argue in favour of an understanding of sanctions as primarily communicative acts, labelling a measure as a sanction on the part of the sender is only the first step; it is a necessary condition, but it is not sufficient. A measure becomes a sanction only when the label attributed by the sender has been confirmed and recognised by other actors.

The UN is the undisputed authority when it comes to international sanctions, and some would argue that no other actor is legally entitled to use sanctions. Hence, the legal basis in international law for EU's use of sanctions as a regional organisation can be contested. This is precisely what targets of sanctions do. In the thesis, we saw in particular how sanctions against Zimbabwe are dismissed as 'illegal'. However, the sanctioning practice of the EU is usually not challenged by the great world powers, even those that have less of a propensity to use sanctions as foreign policy tools. This suggests that recognition may take precedence over established legal authority when it comes to sanctions.

*Finding 1: The EU's operational definition of sanctions refers to a broad variety of measures that are justified as reactions to an expanding range of norm violations. This leads to potential normative collisions not only with other policy tools but also within the different sanctions policies.*

The way that the term is used in EU discourse reveals a broad-ranging conception of sanctions. Even if we take only the measures formally belonging to the group "sanctions with a CFSP-dimension" – thus excluding discursive references to other measures that are perceived as sanctions – the range of measures is quite extensive. The EU's use of sanctions should in principle only include measures that target those who are deemed to be the responsible individuals of the norm violation, but several factors suggest that the move from comprehensive to targeted sanctions has not been completed. Sanctions are talked about in metaphors taken from war terminology, which in turn are coupled with an emphasis on maximal harm. Moreover, the condemnation of humanitarian suffering is relative rather than absolute; such effects should be *minimised* but it is often thought that they are unavoidable. Much of the criticism against sanctions is still based on fears that the measures do not hit the right people/target. The following statement by MEP Guardans i Cambó (ID 909) exemplifies this:

It is obvious that the issue needs some serious thought: too many times sanctions have proven to be entirely futile and, in many cases, entirely unfair; too many times they have harmed the weakest in society. Why do fishermen in Mauritania have to pay for the fact that, suddenly, there has been a coup in their country?

Where is the sense in that? The sanctions should therefore be reviewed and analysed: both the concept itself and its application.

Not only the types of measures that are called sanctions, but also the norm violations that potentially justify the use of these measures are spoken of in an inclusive manner. In the early 21<sup>st</sup> century, it is safe to assume that someone will bring up the topic of sanctions whenever a crisis occurs that catches the EU's attention. Proposals to expand the range of norm violations to encompass new areas – notably environmental crimes and 'illegal' migration – mirror a belief that sanctions signal seriousness serious intentions. Yet, an expansion of the applicable situations that would justify the imposition of CFSP sanctions might eventually have the opposite effect and undermine the perceived importance of the instrument. A use of external sanctions that is inflated to deal with any type of "bad" risks could very well lead to watered down or contradictory normative messages; and ultimately lead to the situation of the serpent biting its tail. In this respect, the African Union represents a radically different stance, having clearly demarcated its use of sanctions to concern only unconstitutional changes of government. An interesting parallel could be Amnesty International's cost/benefit analysis of expanding the organisation's mandate of work in the field of human rights. Not too different from sanctions, this internal debate revolves around whether it is worth risking the organisation's credibility as an authority on the core issue of political prisoners in order to acknowledge and respond to a broader human rights concept, including certain group rights. Amnesty has indeed continuously expanded its mandate in response to a changing human rights climate (Amnesty International, 2008; Clark, 2001).

In the section on policy linkages (chapter 5), several concrete examples demonstrated that all good things might not always go together (Huntington, 1968). Importantly, although a principle of complementarity is said to guide the EU's use of sanctions, the existence of a sanction is commonly seen to rule out other, positive forms of interaction: i.e. cooperation, aid, dialogue, and negotiations. In these instances, the implications that may be derived from the existence of a sanction prevent the EU from making use of its full range of policy tools in relation to the targets in question. When positive and negative measures are combined, this is sometimes interpreted as an inconsistent, unduly interest-motivated policy. There is, however, considerable disagreement and divergence from case to case as to what actions are

ruled out by the existence of a sanction. One of few points where general consensus has been reached is that humanitarian aid should not be affected by the existence of a sanction. This is in accordance with the EU's rejection of the 'naïve' approach to sanctions. There are only few signs in the EU discourse of any intention to inflict suffering on people in the hope that they will rise up against oppressive regimes. Instead, the usual message is that the EU should assist civil society and support political opposition. However, the strong discursive principle of keeping innocent people from harm contrasts with the still on-going practice to direct sanctions against vital sectors of the target's economy.

*Proposition 2: Sanctions have inherent symbolic properties, which may be instrumental to either self- or target-oriented policy goals.*

The choice to study how sanctions, rather than other policy tools, shape the EU as an international actor was grounded in the claim that sanctions have intrinsic properties that signal how an actor relates to others. Sanctions communicate an actor's limits of toleration and thereby work to selectively delineate boundaries between units in the international system. Not least, the deep controversies surrounding how to deal with Syria's civil war and Iran's nuclear program illustrate how diverse approaches to sanctions are indicative of an actor's views of the world and of their own position in the international system. In this sense, sanctions are significant representations of an actor's international identity, regardless of whether they are consciously used as tools of identity politics or for other purposes.

While it has become mainstream to speak of symbolic sanctions, no systematic study of how symbolic features relate to different – material and ideational – objectives of sanctions has been conducted. This thesis has taken some first steps to fill this gap. Importantly, it refutes the characterisation of symbolic sanctions as a distinct type of measure. Instead, I argued that sanctions are in and of themselves symbolic in how normative delimitations are made towards other actors, both targets and bystanders. This is valid for the heavy trade embargo and the targeted asset freeze alike. In any case, the symbolic properties of sanctions can be instrumental for self- or target-oriented policy goals. Likewise, sanctions are never only 'symbolic'. Sanctions are never just talk but always call out for something to be 'done'. This essential material element to withdraw something or to exact punishment can equally serve target-oriented or

sender-oriented policy goals. EU discourse confirms that these combinations do exist. Effective punishment is at times thought to be conducive not for target change but for identity formation, and at times symbolic distancing is said to be used for not for identity formation purposes but in the hope that ‘naming and shaming’ will make the target change.

*Finding 2: The EU’s reasoning about sanctions as foreign policy tools is largely self-oriented, and prioritises credibility over expected target change.*

Consistency and unity, international cooperation and improved implementation routines; all are put forth as solutions in the EU discourse on sanctions – but what is the issue here? In many cases, debate participants worry that sanctions will lack effectiveness, but do not articulate any idea of target-related effect that goes beyond the infliction of harm. Proponents of sanctions largely justify their position with reference to the need to ‘do something’, where sanctions are advocated as clear signifiers of “action” or of “talking tough”. Diffuse norm promotion is strongly present in the data, whereas coercion is mainly a term used by opponents to criticise sanctions. Developed notions of target change and how it is supposed to be achieved are rare. Instead, discussion of the effects that sanctions will have on the target usually stop at the importance of sanctions *having effect* – i.e. smooth implementation to enable the ‘doing something’-objective to be fulfilled or effectuating effective punishment – which, in addition, requires actual harm to be inflicted. I argue that doing something and effective punishment are both essentially sender-oriented rationales for the use of sanctions, as long as no expectation of target change has been expressed.

In the midst of a varied and rather antagonistic discourse on sanctions, the Union’s own credibility emerges as one of the primary centres of attention. Concerns regarding effectiveness commonly fall back on the importance of being ‘effective’ so as to be credible. All in all, this suggests that the EU is very conscious about the symbolic properties of sanctions as forceful expressions of normative distance and proximity. This considered, it is fully logical that opinions on the effects of sanctions for the EU’s identity are torn between differing positions. That positions on the matter of credibility are so strong, be they associated with positive or negative connotations, effectively punctuates the idea of ‘symbolic sanctions’ as less important than the imagined ‘non-symbolic’ sanctions.

The results also show a Union – or at least a Parliament – that is not afraid to engage in self-scrutiny. The most common point of criticism regards double standards in the application of sanctions. Both internal (different standards apply to the self and to others) and external (selection of targets) double standards are understood to damage EU credibility and image, thereby hindering the Union from reaching its full potential as an international actor. While self-criticism about widespread double standards is strongly present throughout the study period and across contexts, double standards clearly mean very different things to different people, and are referred to for divergent argumentative purposes. The concern over having double standards illustrates well what happens when a complex multi-layered actor hesitates to expose its normative priorities. While EU discourse on sanctions is characterised by an inflated reference to norms and rights, actual capacity to deal with policy dilemmas is fairly unchanged. Consequently, the very notion of double standards becomes flawed. If everything is a standard – a principle of action – normative collisions in action are inevitable.

In other words, the conflicting subjective interpretations of the EU's normative mission in foreign policy suggest that the most important challenge is not the subordination of values to interests but rather the struggles between different norm packages that each contain interest- and value-oriented elements (cf. Pace 2007, p. 671). In other words, there is no generic conflict between interests and values. The democratic peace theory, for instance, would lead us to expect democracy promotion to – in principle and *ceteris paribus* – help rather than harm security goals.<sup>202</sup> However, if democracy or any other type of 'norm promotion' is perceived as an illegitimate interference, it does not matter if policy is genuinely 'value-based', it will nonetheless build walls rather than bridges.

*Proposition 3: An actor's identity construction is fundamentally relational: its characteristics depend on both self-understanding and on the perceptions of others.*

Only recently have serious efforts been made to research the perceptions that other actors have of the EU. However, the main interest of this work has often been

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<sup>202</sup> However, this rests on the highly contested ability of external democracy promotion, for instance through negative conditionality, to actually enable democratisation processes. Even the High Representative's Report on the CFSP (High Representative of the European Union, 2010) recognises that "democracy cannot be imposed from the outside Consolidation of democracy", see also the Council's conclusions on democracy support (Council of the European Union, 2009c).

how knowledge of the thoughts that others have of the EU can help improve the Union's prospects of success in its international relations. In contrast, I have argued that the construction of an actor's external identity is fundamentally relational. This means that both self-understanding and the perceptions of others are constitutive of what an actor is.

The thesis has investigated how sanctions shape the EU's external identity, using a tripartite analytical model developed to capture the subjective interpretations that actors have of the policy tool. By studying the logics, volume, and autonomy of the use of sanctions, the thesis has offered an account of what this instrument means for the EU. A fourth dimension – policy linkages – was analysed in order to determine what impact sanctions are understood to have on the Union's possibilities to employ other foreign policy measures. The analytical framework was applied both to the EU's self-understanding and to the perceptions of an important bystander – the African Union.

Convinced of the truly global character of sanctions as acts of communication, I wanted to move beyond the sender/target nexus and investigate how sanctions express distance and proximity to different outsiders. I found that the Union discusses bystanders very actively, and with different tones and attitudes. Especially worthy of note was the harsh tone with which regional actors were called upon to take action, sometimes even amounting to threats of sanctions if they would fail to act. The EU distributes special responsibilities to other actors, but calls for genuine cooperation are rare.

Finally, the EU's emphasis on credibility is simultaneously egocentric and outward-looking. The EU cares about its own image, not primarily because it wants to look good in the eyes of European citizens, but rather in the eyes of other international actors. This is consistent with the relational take on identity formation as well as with the argument about sanctions as a game between sender, target and bystanders. That targets will reject the EU's communication through sanctions is normal. If bystanders also doubt the sender's credibility, it is more alarming.

*Finding 3: The AU's perceptions of the EU's sanctions policy show that the EU indeed has an issue with credibility.*

The African Union is an unusually relevant bystander, by virtue of the fact that it is exposed to the EU's use of sanctions from three different perspectives: as a regional actor, as a co-sanctioner, and as an overall observer of the policy. The study of AU perceptions revealed that the EU indeed has a credibility problem when it comes to sanctions. Common criticisms include that EU sanctions are unfair, hypocritical and employ double standards.

The colonial heritage is still felt and the EU is largely associated with a couple of Member States (which calls into question the idea that the EU is a model for the AU). This is particularly true for the sanctions case against Zimbabwe, and partly for the Ivory Coast and Madagascar. The analysis also confirms that definitions of sanctions are fluid and contextual. The AU tends to perceive aid cuts under Art. 96 of the Cotonou Agreement as sanctions, and largely builds its estimates on the economic harm caused by the EU's action with regard to these cases.

Moreover, there is a very modest level of concrete cooperation between the two. The AU appreciates that the EU very clearly has chosen the AU as its primary continental partner, but at the same time there is a certain doubt as to whether the EU wants the AU to become a strong regional actor. With regard to its approach to sanctions, the EU is considered to be a positive model mainly when it comes to institution-building and resource capacity. The sanctions doctrine developed by the AU since the early 2000s is in several respects the opposite of the EU's sanctions policy. While ideational autonomy is very important for the AU, for some of its sanctions cases it calls for European support. It is, however, not involved in or affiliated with non-African EU sanctions cases.

### **Future Research I: Testing the Reach of the Argument**

The approach employed in this thesis is not only useful for studying sanctions and the European Union but would be equally applicable to any other foreign policy tool and actor. This thesis has focused on the external identity of the European Union, since its foreign policy is an unusual experiment that challenges central assumptions of state-centric international relations scholarship. In addition, I found that the literature on the EU as an international actor had overlooked such an important foreign policy tool as sanctions and grasped the chance to fill this gap in the thesis. Yet, the thesis does not provide the basis upon which it is possible to conclude that the findings are unique for



the EU or that they can be generalised to other actors. My decision to study sanctions was born from a conviction that the instrument carries certain attributes that are able to tell an important story about the sender. Having said this, it would be absurd to argue that sanctions are the only instruments that matter for building external identity.

In consequence, this thesis has not said all there is to say on the distinction between sender-oriented and target-oriented goals in foreign policy. Indeed, it would be highly valuable to further investigate the implications of the findings across policy areas and different actors. A natural next step would be to compare the EU with the US, with regard to their self-understandings as well as their respective perceptions of each other. I would expect to find both commonalities and differences. Likely, sender-oriented statements are present also in US discourse. This prospect is acknowledged by Lynch (2008, p. 191), who argues that “[f]or the United States, smart sanctions was largely an exercise in perception management rather than a genuine problem-solving discourse”. However I would hypothesise that the US would lean more towards the material side of sender-oriented rationales, since national interest is less controversial within the American context than for the EU. The very basic self-oriented statements that we encounter in EU discourse are likely less common for the US case, since the latter already has a very established identity in international affairs. In other words, it does at least not have to ‘bring itself into existence’ discursively in the same way as the EU.

Another difference has to do with the obvious fact that the US, in contrast to the EU, is a full-blown global actor with a complete range of foreign policy tools at its disposal. I would expect this to come out strongly in the types of policy linkages that are made. In terms of internal autonomy, foreign policy ideologies are likely to be the biggest challenge, especially when the President must work with a Congress majority that is the political opposition. This dimension would be stronger for the US than for the EU, since the executive in the former but not in the latter can be held accountable to its parliament. It would therefore be interesting to study US discourse on sanctions at the beginning of a new presidential term, especially when there is a clear perceived need to reinvent US foreign policy identity (e.g. Bush/Obama). With regards to external autonomy, we know that the US plays the coercive cooperation card more willingly when using sanctions than the EU and that it operates a wider range of possible allies.

All in all, empirical investigation of these dimensions are needed and warmly encouraged.

An equally important continuation of this thesis would be to investigate if other areas of EU external action are self-oriented in the way that we found sanctions to be. This research could in principle concern any expression of external policy. Yet, I think that policies that on the surface give the impression of being recipient-oriented provide the most pertinent settings for testing the reach of these findings. Specific examples in this category are: development cooperation, election observation, or peacekeeping operations. Overall, taking self-centred justifications seriously can be one answer to several of the perpetual effectiveness-‘riddles’ of international politics. Since much of external activities have trouble demonstrating empirical results that meet target-related goals, the range of possible application is considerable.<sup>203</sup> Foreign aid and public diplomacy are two relevant examples in this respect.

### **Future Research II: In with the old, out with the new?**

Those who literally have no sense of the past are amnesiac and as severely disabled as it is possible to be.

Christoffer Hill, 2002(2003), pp. 116-117

Few studies of sanctions fail to mention the deep historical roots of this particular tool of international politics. More generally, it is common to use historical analogies in foreign policy rhetoric (Weldes, 1998, p. 223). Nonetheless, we know little of how past experiences of sanctions have influenced the development of sanctions doctrines at different points in time.

The thesis has seen the emergence of targeted/smart sanctions lingo in EU foreign policy discourse at the turn of the millennium. However, it has also revealed the remaining traces of the comprehensive type of sanctions, both in EU self-understanding and in the AU’s perceptions. Today, it seems that the once so despised comprehensive sanctions are becoming trendy again. The door for comprehensive sanctions may never have been properly closed, yet the Iranian case, as well as the Syrian one, shows a new climate that has brought back the ‘naïve’ view of sanctions. It becomes necessary to ask

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<sup>203</sup> This is a basic condition of external involvement, which is often disregarded in research that keeps treating policy inefficiency as a puzzle.

if we have reached the point where the awareness of the sanctions fiasco against Iraq and others is fading?

I do not want to suggest that sanctions never change but only reinvent themselves by simply donning different discursive robes. In some respects, the policy tool used today is very different – more advanced and diverse and clearly more centred on individuals – from the one that was employed during the 1990s, not to speak of the sanctions that were used in more remote history. An historical account of sanctions would make a fascinating exposition of continuity and change, of how some features are reinvented while others are forgotten. Such a study could go as far back as sources allow and need not be limited to the European sanctions experience.

Drawing on the insights provided by the thesis, I would encourage a further exploration of how reasoning about historical cases may or may not have an influence on conjunctures between different sanctions ideals, both in discourse and in policy output. What role do historical analogies play in justifying sanctions? How far back in time does the EU's or other actors' sanctions memory reach? Do historical references change argumentative purpose over time, or are they stable? Do historical analogies represent a genuine learning process, or does Hegel's saying that 'we learn from history that we do not learn from history' have bearing on sanctions?

### **Future Research III: Internal and External in Sanctions**

A third direction for future research stems from the thesis' comparison of the EU's and the AU's sanctions philosophies. While both actors are regional organisations with high normative ambitions, they are in some respects one another's counterparts as senders of sanctions. The AU takes pride in having a clearly demarcated norm violation and corresponding goal for its use of sanctions. The EU uses sanctions for many different purposes and against a large variety of norm violations. The AU strives towards an automatic and immediate use of sanctions. The EU's imposition of sanctions is a complicated political process on several levels. The EU has considerable resources for its use of sanctions. The AU is in constant lack of resources. These differences are all noteworthy, yet there is another more basic distinction that I believe is worthy of

further exploration. While the AU uses sanctions internally against its own Member States, the EU primarily uses sanctions as foreign policy tools.<sup>204</sup>

Part of the reason why this basic distinction has thus far been unexplored is most likely because sanctions have been studied for a long time with state-centric glasses. From this perspective, as well as for the studies of UN sanctions, the internal/external divide does not seem to be very relevant. For research that is focused on nation-states, it is not called into question that 'internal' would refer to something going on within these territorial borders. Galtung (1967) made a distinction between internal and external sanctions, where internal signified "due to changes inside the receiving country" and external meant "having to do with the interaction pattern with other nations". This conception needs to be rethought in light of the emerging regional organisations that are striving to create their own normative communities (on regionalism, see Hettne & Söderbaum, 2008).

As this thesis has showed, self-sanctioning is dramatically different in character from externally imposed sanctions. Most importantly, it does not have the same legitimacy-problem from the start, since members of the organisation have voluntarily committed to a certain set of rules. In this sense, disciplinary measures used by regional organisations against their own members resemble countermeasures more than sanctions. Foreign policy sanctions, in contrast, begin right off with a negative balance in terms of legitimacy, simply since the intervention comes from the outside. The negative connotations that surround external intervention usually persist in the eyes of targets and certain bystanders, even as the sender tries to justify its use of sanctions with reference to international law and universal rights.

I recognise that the boundary between what is internal and what is external is fluid and ultimately subjective. If the precondition of attachment – through shared identity or material needs – is not present, sanctions that have been imposed against members may very well be perceived as having come from the outside. Hence, sanctions provide an unusually pertinent test for the strength and status of these

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<sup>204</sup> What are commonly known as EU sanctions against Austria were in fact bilateral cuts in diplomatic relations, and the committee work at the EU-level continued all through the Haider-crisis (Merlingen, Mudde, & Sedelmeier, 2001). Since Lisbon, the EU may use sanctions against Member States when there is a serious risk that the EU's fundamental values will be breached. Yet, to date the EU has never imposed political sanctions against a Member State, but has only imposed sanctions to ensure financial discipline, most recently against Hungary.

organisations as normative communities in the making. If regional organisations mature to challenge the nation-states as the prime normative community, a future scenario emerges wherein normative discipline will habitually be exercised at the regional level. This would not only diminish the legitimacy of externally imposed sanctions but ultimately make them superfluous. In other words, to the extent that regional organisations manage to credibly become recognised normative communities, the use of sanctions against members deemed to be guilty of norm violations may come to radically change the power balance in the international system.

However, this prospect is unlikely to materialise anytime soon. Both the African and the European regional projects are under considerable pressure. That the AU has difficulties exercising continental leadership is repeatedly confirmed; a recent example being the uprisings in North Africa. As for the EU, the economic crisis has brought to light doubts regarding the basic premises of European integration that go far beyond just the monetary union. This thesis concludes with a reflection on the euro crisis as a crisis of the European project.

## EU Foreign Policy – A Sinking Ship?

The early 2000s *did* feel like the European moment. Enlightened policy wonks on both sides of the Atlantic gushed about the glamorous new arrival on the global stage. In this magazine in 2004, Parag Khanna described the "stylish" European Union as a "metrosexual superpower" strutting past the testosterone-fueled, boorish United States on the catwalk of global diplomacy. Later that year, economist Jeremy Rifkin penned a book-length encomium, *The European Dream: How Europe's Vision of the Future Is Quietly Eclipsing the American Dream*, which was followed by *Washington Post* reporter T.R. Reid's unlikely bestseller, *The United States of Europe: The New Superpower and the End of American Supremacy*. In 2005, foreign-policy expert Mark Leonard explained *Why Europe Will Run the 21st Century*.

One wonders how well these books are selling today, now that the European dream has become a nightmare for many, with the euro teetering on the brink of collapse and the union that produced it mired in a triple crisis that will take years, if not decades, to resolve.

Harding, 2012 (emphasis in original).

Indeed, the European project faces both internal and external headwinds. Not only the works mentioned by Harding, but also the academic EU-optimistic normative power Europe thesis has lost its glow, and the 'post-normative turn' has yet to present a sticky conceptual proposal.

As this thesis draws to an end, the European Union lies deep in crisis. The prestigious project of the common currency has been on the verge of collapse for some time and the technocrats are no longer only ruling the Commission in Brussels but also the governments of Italy and Greece. Solidarity between Member States is eroding. Opinions diverge on whether European integration is part of the cure or of the disease. The United Kingdom opts out of the Europact. When the huge cruise ship *Costa Concordia* ran aground near the Tuscan island of Giglio in January 2012, and the captain abandoned his ship, several observers thought of it as a tragic metaphor to the state of Europe.

Does any of this matter for EU foreign policy? For sanctions? For the EU as an international actor? In December 2011, 33 heads of important (foreign policy) think tanks joined forces in an open letter to EU leaders, expressing their concern that EU

external relations may become “a casualty of the euro crisis” (Cameron, et al., 2011). Not only has the crisis reduced the time and resources devoted to external relations, they argue, it has wider implications for the image of the EU as an international actor:

...the damage to the EU’s image as a well-governed entity, an important basis for the EU’s attraction as a soft power. Restoring the EU’s economic health would of course help repair the damage to our image.

That professional foreign policy thinkers are concerned about a declining international role for the EU was to be expected. The more important query is what it says about the EU as an international actor if its common foreign policy is rationalized away in tough times. Part of the answer may be found, I believe, in the way that the crisis has uncovered patches and holes in the construction of internal European identity. It is not only a currency and debt crisis, but also an identity crisis. Or, rather, the economic crisis has taken the EU’s continuously on-going identity crisis to a new level. On one hand, the most optimistic observers would hope for foreign policy to bring a positive notion of European-ness and agency back home to the EU. On the other hand, more realistic observers would recognize that the exposure of how weak the common European idea is – after six decades of integration – also plants seeds of doubt regarding how stable the fundament of a solidary common foreign policy is. In the final paragraph, I will discuss what this study can say with regards to this issue.

## A New Sanctions Paradox?

This thesis has been searching for the Union’s external identity in and through the foreign policy tool of sanctions. It has found an actor that is anxious about its own credibility and considers unity and consistency to be the optimal signs of success. It has unveiled an actor that largely uses sanctions to send out messages about itself but that is aware that these messages are not always well received. If sanctions are used for identity formation purposes – to create the self by outlawing the other – are they successful in this respect? This is a central question and certainly not less so in these times of the aforementioned urgent identity crisis.

To the extent that identity formation builds on approval of an actor’s practices and commonality in discursive interpretation, the balance suggests that sanctions are poor tools of identity politics. The AU’s sometimes very critical stance towards EU

sanctions, tough judgments of hypocrisy and strong (negative) association with a few Member States, suggests that any common ground in the identity constructed in the meeting between EU self-understanding and AU perceptions is weak and internally contested. Interestingly, the AU has high esteem of the EU's use of sanctions when it comes to material capacity to inflict harm, and is tougher in its judgments of the EU's rationales for using sanctions.

Then again, if selected audiences in the liberal-interventionist axis of international politics are seen as central for EU identity formation, the evaluation is milder. The use of sanctions largely, but not unequivocally, confirms normative alliances with the UN and the US. While sanctions have the capacity to radically redefine borders between units in the international system, this is not done by the EU's use of sanctions. Rather, it primarily reproduces pre-existing borders in the international system and therefore has a conservative rather than transformative impact.

However, the inter-relational construction of identity evolves over time and involves repeated messages that can be partially modified by the interaction, if the actors pay attention to the self-understandings and perceptions of others (see p. 62 on performed identities). This study revealed that the internalisation of others' perceptions is a slow and ambiguous process. On the one hand, both the EU and the AU show awareness of the importance of recognition in international relations. In particular the EU is concerned with how it is perceived by others. On the other hand, the EU's interpretation of its credibility problem shows that the AU's actual perceptions are far from being internalised in the EU's self-understanding.<sup>205</sup> One reason for this is that relational identity formation is not limited to two players. Instead, an actor's self-understanding will be confronted with many, often contradictory, perceptions of other actors. Since both self-understandings and perceptions are malleable to social pressures and tend to be contested, there clearly is no such thing as a final, wholly mutually agreed identity.

Rather than representing a successful identity formation, self-oriented arguments likely feature so extensively in debates about sanctions precisely *because* of the EU's

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<sup>205</sup> However, the messages that the EU sends out about itself will reveal this existential uncertainty, which might influence the perceptions of other actors and eventually feed-back into the EU's self-understanding again.



difficulties in establishing itself as an international actor.<sup>206</sup> Regardless of how strongly the EU emphasises unrealistic consistency norms, and regardless of how many experts it invites to Brussels, it cannot overcome the basic identity attribute that plays against its credibility: it remains an external actor and imposes sanctions from ‘the outside’.

The EU’s self-understanding struggles to join complementarity with resolve, unity with inter-governmentalism, and flexibility with consistency. In my view, conflicting political wills, inability to determine universal standards for the imposition of sanctions, or even unimpressive results on the ground are, however, not the real problems for the EU as an international actor. Most of these are inherent parts of foreign policy-making, in particular for common European policy-making. They simply cannot be wished away. Usually, taking things for what they are is a good starting point for knowing what one can and wants to change. What would make the EU different, indeed maybe even ‘credible’, would be if it were to assume its full agency and transparently present the trade-offs it makes when imposing sanctions. It seems to me that the real problem of the EU as an international actor is that it is not reconciled with its internal identity as a multi-level forum for cooperation, where Member States have joined a dense institutional net working towards loosely defined common goals. In spite of special bonds and institutional commitments the EU is and continues to be a collection of nation-states in international affairs.

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<sup>206</sup> This is consistent with the thesis’ two claims about the relationship between sanctions and identity formation: (i) sanctions have certain symbolic properties that effectively show how an actor positions itself in relation to central international norms; (ii) sanctions may be used in the hopes of ‘creating the self’.

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ID	Date	Name	99	2000-09-07	Nielson	198	2001-10-02	VanHecke	297	2002-11-21	Gahler
1	1999-07-21	Halonen	100	2000-09-07	Gasoliba	199	2001-10-02	Maes	298	2002-12-18	Watson
2	1999-09-15	Alyssandrakis	101	2000-09-07	Maij	200	2001-10-04	Doyle	299	2002-12-18	Sylla
3	1999-09-15	Council	102	2000-09-07	McKenna	201	2001-10-04	Commission	300	2003-01-14	Patten
4	1999-09-16	Pack	103	2000-09-07	Randzio	202	2001-10-04	Malmstrom	301	2003-01-15	Andrews
5	1999-09-16	Dupuis	104	2000-09-07	Nielson	203	2001-11-29	VanOrden	302	2003-01-16	Posselt
6	1999-09-16	Ghilardotti	105	2000-09-08	Andrews	204	2001-11-29	Imbeni	303	2003-01-29	Yiannitsis
7	1999-09-16	Maij	106	2000-09-08	Council	205	2001-12-13	Andrews	304	2003-01-29	VanOrden
8	1999-09-16	KinnockN	107	2000-09-20	Gollnisch	206	2001-12-13	Commission	305	2003-01-29	Tannock
9	1999-09-16	KinnockN	108	2000-10-24	Pack	207	2001-12-13	VanOrden	306	2003-01-29	Baron
10	1999-09-16	Efthimiou	109	2000-10-24	Kuntz	208	2002-01-16	EvansJ	307	2003-01-29	Frahm
11	1999-10-05	Schori	110	2000-10-24	Moscovici	209	2002-01-16	Terron	308	2003-01-29	EvansJi
12	1999-10-05	Nielson	111	2000-10-24	vandenBerg	210	2002-01-17	VanOrden	309	2003-01-29	Sandbaek
13	1999-10-05	Schori	112	2000-10-25	Patten	211	2002-02-05	VanOrden	310	2003-01-29	Nicholsonof
14	1999-10-05	KinnockG	113	2000-10-25	Pack	212	2002-02-07	Andrews	311	2003-01-29	Andrews
15	1999-10-05	Gahler	114	2000-10-25	Patten	213	2002-02-07	Council	312	2003-01-29	DeRossa
16	1999-10-27	Schroedter	115	2000-10-25	VanHecke	214	2002-02-07	Elber	313	2003-01-30	Meijer
17	1999-10-27	Wiersma	116	2000-10-25	vandenBos	215	2002-03-12	Diamantopoulou	314	2003-01-30	Ford
18	1999-11-17	Jackson	117	2000-10-27	Theonas	216	2002-03-14	Pataki	315	2003-02-11	Schroedter
19	1999-11-17	Sasi	118	2000-11-13	Andrews	217	2002-03-14	Mann	316	2003-02-12	Frahm
20	1999-11-17	Posselt	119	2000-11-14	Moscovici	218	2002-03-14	Maes	317	2003-02-12	Nielson
21	1999-11-17	Sasi	120	2000-11-16	KinnockG	219	2002-03-14	vandenBos	318	2003-02-12	Wyn
22	1999-12-01	VanHecke	121	2000-11-16	Maaten	220	2002-03-14	Swoboda	319	2003-02-12	Titley
23	1999-12-14	Thors	122	2000-11-16	Marset	221	2002-03-14	Gonzales	320	2003-02-12	Mayol
24	1999-12-14	Patten	123	2000-11-16	Banotti	222	2002-03-14	VanOrden	321	2003-02-13	Deva
25	1999-12-14	Schroedter	124	2000-11-16	Gill	223	2002-03-14	Malmstrom	322	2003-02-13	Sylla
26	1999-12-14	Haarder	125	2000-11-16	Ford	224	2002-03-14	Thors	323	2003-02-13	Ford
27	1999-12-17	Bakopoulos	126	2000-11-29	Belder	225	2002-04-09	Belder	324	2003-02-13	Maes
28	1999-12-17	Council	127	2000-11-29	Gawronski	226	2002-04-09	Sandbaek	325	2003-02-13	vandenBos
29	2000-01-19	Schori	128	2000-12-15	Karamanou	227	2002-04-09	VanOrden	326	2003-02-13	Belder
30	2000-01-20	Posselt	129	2000-12-15	Commission	228	2002-04-10	Ries	327	2003-02-13	Gahler
31	2000-01-20	Busquin	130	2001-01-17	Crowley	229	2002-04-10	Zimeray	328	2003-02-13	RibeiroEC
32	2000-01-20	Markov	131	2001-01-17	Danielsson	230	2002-04-11	Lamy	329	2003-02-13	Byrne
33	2000-01-20	Krehl	132	2001-01-17	Crowley	231	2002-04-11	McKenna	330	2003-03-12	Hernandez
34	2000-01-20	Paasilinna	133	2001-01-17	Danielsson	232	2002-04-11	Tannock	331	2003-03-12	Schreyer
35	2000-01-21	Commission	134	2001-01-17	Danielsson	233	2002-04-11	Schroedter	332	2003-03-12	Coeelho
36	2000-02-16	Swoboda	135	2001-01-17	Dybjaer	234	2002-04-11	Eriksson <i>et al.</i>	333	2003-03-12	Keldkvist
37	2000-02-16	Brie	136	2001-01-17	Maij	235	2002-04-11	Malmstrom <i>et al.</i>	334	2003-03-12	Krarup
38	2000-02-16	Pack	137	2001-02-13	Andrews	236	2002-04-11	Sacredus & Wijk.	335	2003-03-12	VanOrden
39	2000-02-16	Wiersma	138	2001-02-13	Verheugen	237	2002-04-11	Theorin	336	2003-03-13	Karamanou
40	2000-02-16	Seixas	139	2001-02-14	Danielsson	238	2002-04-24	vandenBos	337	2003-03-13	Tannock
41	2000-02-16	Seixas	140	2001-02-15	Carnero	239	2002-04-24	DellaVedova	338	2003-03-13	VanOrden
42	2000-02-16	VanHecke	141	2001-02-15	Schroedter	240	2002-04-24	Suominen	339	2003-03-13	vandenBos
43	2000-02-16	Cushnahan	142	2001-02-15	Haarder	241	2002-04-24	Ludford	340	2003-03-13	Fischler
44	2000-02-16	Maij	143	2001-02-15	Vanhecke	242	2002-04-24	SchmidtO	341	2003-03-20	Watson
45	2000-02-17	Dupuis	144	2001-02-28	Korakas	243	2002-04-24	Pique	342	2003-03-26	Belder
46	2000-02-17	Pack	145	2001-03-01	Danielsson	244	2002-05-15	Gomolka	343	2003-03-26	Oostlander
47	2000-02-17	Posselt	146	2001-03-01	Patten	245	2002-05-15	DeKeyser	344	2003-03-26	Stenzel
48	2000-02-17	Maes	147	2001-03-01	Salafranca	246	2002-05-15	Maes	345	2003-03-27	Meijer
49	2000-02-17	Patten	148	2001-03-01	Poos	247	2002-05-15	Brie	346	2003-04-10	Cushnahan
50	2000-03-02	Banotti	149	2001-03-01	Lagendijk	248	2002-05-15	Belder	347	2003-04-10	Council
51	2000-03-15	Seixas	150	2001-03-01	Andrews	249	2002-05-15	Kronberger	348	2003-04-10	Sandbaek
52	2000-03-15	Wuori	151	2001-03-01	Dupuis	250	2002-05-15	Swoboda	349	2003-04-10	Tannock
53	2000-03-15	Andrews	152	2001-03-01	Belder	251	2002-05-15	Gahrton	350	2003-05-14	Yiannitsis
54	2000-03-15	Nicholsonof	153	2001-03-01	Danielsson	252	2002-05-15	Souladakis	351	2003-05-14	Watson
55	2000-03-15	Brok	154	2001-03-01	Brok	253	2002-05-15	Patten	352	2003-05-14	Collins
56	2000-03-16	Nicholsonof	155	2001-03-01	Dary	254	2002-05-16	Gahler	353	2003-05-14	Titley
57	2000-03-16	Paasilinna	156	2001-03-01	Alavanos	255	2002-05-16	Council	354	2003-05-14	vandenBos
58	2000-03-16	McKenna	157	2001-03-01	Gawronski	256	2002-05-16	Mulder	355	2003-05-14	Stenzel
59	2000-03-16	Nielson	158	2001-03-01	Menendez	257	2002-05-16	Nielson	356	2003-05-14	Andreasen
60	2000-03-29	Seixas	159	2001-03-01	VanOrden	258	2002-05-16	Gahler	357	2003-05-14	Korakas
61	2000-04-13	McKenna	160	2001-03-01	Titley	259	2002-05-16	Nicholsonof	358	2003-05-14	Nielson
62	2000-04-13	Collins	161	2001-03-14	Cushnahan	260	2002-05-16	Figueiredo	359	2003-05-15	KinnockG
63	2000-04-13	Morgantini	162	2001-03-15	Andrews	261	2002-06-10	VanOrden	360	2003-05-15	Council
64	2000-04-13	Martinez	163	2001-03-15	Council	262	2002-06-12	Pirker	361	2003-05-15	Commission
65	2000-04-13	Morillon	164	2001-03-15	Korakas	263	2002-07-02	Swoboda	362	2003-06-02	VanOrden
66	2000-04-13	Nair	165	2001-03-15	Council	264	2002-07-02	Malmstrom	363	2003-06-02	Cox
67	2000-04-13	Perry	166	2001-03-15	Andrews	265	2002-07-02	Aznar	364	2003-06-03	Sacredus
68	2000-04-13	Lamy	167	2001-03-15	Commission	266	2002-07-04	Council	365	2003-06-04	vandenBerg
69	2000-05-17	Seixas	168	2001-03-15	Liikanen	267	2002-07-04	KinnockG	366	2003-06-05	Balfe
70	2000-05-17	KinnockG	169	2001-03-15	Fraisse	268	2002-07-04	Council	367	2003-06-05	Junker
71	2000-05-18	Maaten	170	2001-03-15	Liikanen	269	2002-07-04	Malmstrom	368	2003-06-05	Maes
72	2000-05-18	McKenna	171	2001-03-15	VanOrden	270	2002-07-04	Tannock	369	2003-06-05	Junker
73	2000-05-19	Commission	172	2001-04-04	Morgantini	271	2002-07-04	Maes	370	2003-06-05	vandenBos
74	2000-06-14	Carlotti	173	2001-04-05	Maes	272	2002-07-04	Nicholson	371	2003-06-05	Mann
75	2000-06-15	Salafranca	174	2001-05-02	Collins	273	2002-07-04	Maes	372	2003-06-05	Casaca
76	2000-06-15	MartinezMartinez	175	2001-05-15	Thors	274	2002-07-04	Diamantopoulou	373	2003-06-05	Sandbaek
77	2000-07-04	Alavanos	176	2001-05-16	Boudjenah	275	2002-09-04	Haarder	374	2003-06-05	Reding
78	2000-07-04	Moscovici	177	2001-05-16	Danielsson	276	2002-09-04	Patten	375	2003-06-18	Solana
79	2000-07-04	Korakas	178	2001-05-16	Alavanos	277	2002-09-04	Baron	376	2003-06-18	Lage
80	2000-07-04	Moscovici	179	2001-05-16	Andrews	278	2002-09-04	Legendijk	377	2003-06-18	Korakas
81	2000-07-05	Farm	180	2001-05-16	Couteaux	279	2002-09-04	vandenBerg	378	2003-07-03	Sylla
82	2000-07-06	Maniso	181	2001-05-17	Gahrton	280	2002-09-04	Gollnisch	379	2003-09-02	Sauquillo
83	2000-07-06	Andrews	182	2001-06-12	Danielsson	281	2002-09-04	Theorin	380	2003-09-02	Nielson
84	2000-07-06	Khanbhai	183	2001-06-13	Nielson	282	2002-09-04	DeKeyser	381	2003-09-03	vandenBos
85	2000-07-06	McKenna	184	2001-06-14	Thors	283	2002-09-04	LePen	382	2003-09-03	Gahler
86	2000-07-06	Perry	185	2001-06-14	Sorensen	284	2002-09-05	Maes	383	2003-09-03	Alyssandrakis
87	2000-07-06	Belder	186	2001-06-14	Fraisse	285	2002-09-05	vandenBos	384	2003-09-03	Howitt
88	2000-07-06	Verheugen	187	2001-06-14	Mann	286	2002-09-05	Cashman	385	2003-09-04	vandenBos
89	2000-07-06	Ludford	188	2001-07-04	Neyts	287	2002-09-05	Patten	386	2003-09-04	Boudjenah
90	2000-07-06	Verheugen	189	2001-07-05	Korakas	288	2002-09-05	Markov	387	2003-09-04	VanOrden
91	2000-07-07	Commission	190	2001-09-04	Nielson	289	2002-09-05	Cashman	388	2003-09-04	Mann
92	2000-09-04	Bethell	191	2001-09-04	Lagendijk	290	2002-09-24	Lang	389	2003-09-04	Sandbaek
93	2000-09-05	Sjostedt	192	2001-09-04	Patten	291	2002-09-25	Gollnisch	390	2003-10-09	Monti
94	2000-09-05	Rovsing	193	2001-09-06	Miranda	292	2002-09-25	Schroedter	391	2003-10-21	Smet
95	2000-09-05	Andrews	194	2001-09-06	Mulder	293	2002-09-25	Boumediene	392	2003-10-21	Patten
96	2000-09-07	VanHecke	195	2001-09-06	KinnockG	294	2002-11-06	Gollnisch	393	2003-10-21	Bastos
97	2000-09-07	Ford	196	2001-09-06	Banotti	295	2002-11-07	Bonde & Sandb.	394	2003-10-21	Claeys
98	2000-09-07	Wynn	197	2001-09-06	Parish	296	2002-11-20	Poos	395	2003-10-21	Mann

396	2003-10-21	Zrihen	495	2004-12-15	Nicolai	594	2006-02-02	Guerreiro	693	2006-12-14	Szent
397	2003-10-21	DeRossa	496	2004-12-15	McGuinness	595	2006-02-14	FerreroWaldner	694	2007-01-17	Beglitis
398	2003-10-22	Zrihen	497	2004-12-15	Nicolai	596	2006-02-14	Fernandez	695	2007-01-17	FoltynKubicka
399	2003-10-22	Frattini	498	2004-12-15	Pinheiro	597	2006-02-14	Karim	696	2007-01-17	Gomes
400	2003-10-22	Claeys	499	2004-12-16	Hall	598	2006-02-14	Ozdemir	697	2007-02-13	Mandelson
401	2003-10-22	Muscardini	500	2004-12-16	vandenBerg	599	2006-02-14	Paleckis	698	2007-02-14	vandenBerg
402	2003-11-19	Valive	501	2004-12-16	Pafilis	600	2006-02-14	Geringer	699	2007-02-14	Belder
403	2004-01-13	VanOrden	502	2004-12-16	Martin	601	2006-02-14	FerreroWaldner	700	2007-02-14	Gahler
404	2004-01-14	KinnockG	503	2005-01-11	FerreroWaldner	602	2006-02-15	Borg	701	2007-02-14	KinnockG
405	2004-01-14	Roche	504	2005-01-13	Czarnecki	603	2006-02-15	Winkler	702	2007-02-14	Gomes
406	2004-01-14	Gahler	505	2005-01-13	Michel	604	2006-02-15	Beer	703	2007-02-14	Yanez
407	2004-01-14	VanOrden	506	2005-01-13	RibeiroC	605	2006-02-15	Szymanski	704	2007-02-15	Gentvilas
408	2004-01-15	Ford	507	2005-01-13	Michel	606	2006-02-15	Malmstrom	705	2007-02-15	Presidency
409	2004-01-15	RibeiroC	508	2005-01-13	Libicki	607	2006-02-15	Rasmussen	706	2007-02-15	Presidency
410	2004-01-15	Malmstrom	509	2005-01-26	Watson	608	2006-02-15	Riis	707	2007-02-15	Paleckis
411	2004-01-15	Nicholson	510	2005-02-21	Beer	609	2006-02-16	Kohlcek	708	2007-02-15	Commission
412	2004-01-15	Maes	511	2005-02-23	Tannock	610	2006-03-13	Sonik	709	2007-02-15	Pafilis
413	2004-01-29	Krivine & Vach.	512	2005-02-23	Schmit	611	2006-03-15	Winkler	710	2007-02-15	Gomes
414	2004-01-29	Boudjenah	513	2005-02-23	VanOrden	612	2006-03-15	Salafranca	711	2007-03-13	FerreroWaldner
415	2004-02-12	MartinezMartinez	514	2005-02-24	Tannock	613	2006-03-16	Vanhecke	712	2007-03-14	Gloser
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422	2004-03-11	Deva	521	2005-03-08	Szent	620	2006-03-23	Kovacs	719	2007-03-29	Watson
423	2004-03-11	Isler	522	2005-03-08	Siwiec	621	2006-04-05	Allister	720	2007-03-29	Wiersma
424	2004-03-11	Solbes	523	2005-03-08	Schmit	622	2006-04-05	Winkler	721	2007-03-29	Batten
425	2004-04-19	Voggenhuber	524	2005-03-10	Sjostedt	623	2006-04-05	FerreroWaldner	722	2007-03-29	DeKeyser
426	2004-04-19	Leinen	525	2005-03-10	Casaca	624	2006-04-05	Hennis	723	2007-03-29	Tannock
427	2004-04-20	MartinezMartinez	526	2005-03-10	Kallas	625	2006-04-05	Eurlings	724	2007-04-23	Vaugrenard
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429	2004-09-14	Bot	528	2005-04-13	Ibrisagic	627	2006-04-05	Kirkhope	726	2007-04-25	Pluger
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432	2004-09-14	Gomes	531	2005-04-14	Romagnoli	630	2006-04-06	Kypriano	729	2007-04-26	Roithova
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434	2004-09-14	Claeys	533	2005-04-27	DeKeyser	632	2006-05-15	Guerreiro	731	2007-04-26	Almunia
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447	2004-10-26	Bowis	546	2005-07-06	Straw	645	2006-09-06	Beglitis	744	2007-06-19	Michel
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452	2004-10-27	Onyszkiewicz	551	2005-07-07	Karatzafelis	650	2006-09-27	Ryan	749	2007-06-21	Tannock
453	2004-10-27	Paleckis	552	2005-07-07	Posselt	651	2006-09-27	Romeva	750	2007-06-21	Romeva
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491	2004-11-17	Balkenende	590	2006-02-01	VanHecke	689	2006-12-14	Meijer	788	2007-11-15	Bielan
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493	2004-12-01	Paasilinna	592	2006-02-01	Kaczmarek	691	2006-12-14	Smith	7		

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